

VOLUME V, NUMBER 4, FALL 2005

# CLAREMONT

## REVIEW OF BOOKS

*A Journal of Political Thought and Statesmanship*

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**Imperial  
Delusions**

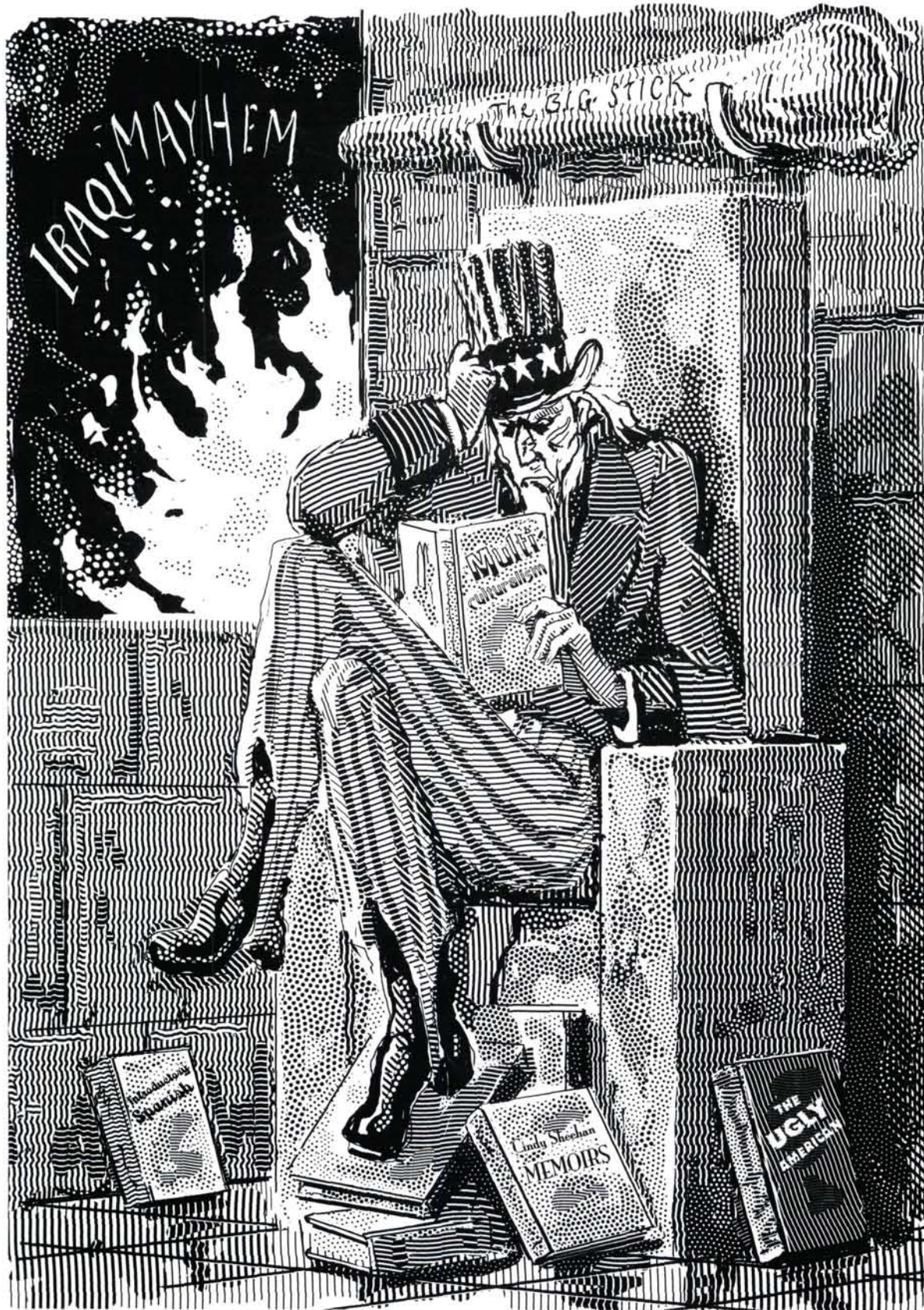
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THE CRISIS OF  
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by Charles R. Kesler



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FROM THE EDITOR'S DESK

## BUSH'S PHILOSOPHY

by Charles R. Kesler

**D**EFENDING HIS NOMINATION OF HARRIET MIERS TO THE Supreme Court, President Bush said, "I know her well enough to be able to say that she shares my philosophy." And what philosophy would that be?

Like most presidents, Bush has not thought a lot about his "judicial philosophy." A judge should "strictly apply the Constitution and laws of the United States, and not legislate from the bench," he explained, in words almost identical to those of the last four Republican presidents—who lived to regret many of their nominees to the Court. Introducing Miers to the nation, Bush devoted 16 words to her view of the judiciary, and 45 to her charity work.

A "judicial philosophy," of course, is not necessarily the same thing as a constitutional philosophy, an appreciation of the Constitution and its principles. In his First Inaugural Address, Bush saluted the four C's of "civility, courage, compassion, and character," but he never mentioned the Constitution. This was ungrateful, considering that he had just won his office by virtue of the Electoral College, not to mention the Supreme Court's timely aid in fighting Hurricane Chad. But the omission confirmed Bush's resolute focus on compassion, and his willingness to overlook the constitutional case for limited government.

Contrast Bush's First Inaugural with Ronald Reagan's. "In this present crisis, government is not the solution to our problem; government is the problem....It is time to check and reverse the growth of government, which shows signs of having grown beyond the consent of the governed," Reagan declared. Though he made progress, the Gipper didn't succeed as he had hoped; but at least he tried. The closest Bush came to an embrace of limited government was the tepid reminder: "Compassion is the work of a nation, not just a government."

Compassionate conservatism is the President's self-proclaimed philosophy. This term proves the old admonition that the adjective is the enemy of the noun. Conservatism defends "liberty and justice for all," meaning that there are limits to what government can do to, and for, us. But a compassionate government cannot be a limited one. Its swelling sympathy will overwhelm the levees of individualism and consent ("I feel your pain," whether you want me to or not); and its pity implies that for some unfortunate people, justice is not enough. This inherent indiscipline is why compassion used to be regarded as needing reason's regulation, and why in any event it was thought better suited to pri-

vate, not public, life. Compassionate conservatism, therefore, means big government conservatism. And big government conservatism is no conservatism at all.

**Y**ET PRESIDENT BUSH THINKS OF HIMSELF AS A CONSERVATIVE, and there is something about him that fits the bill, intermittently. He has cut taxes, defended the nation against its enemies, and appointed good judges to the federal courts. More than that, he has championed bold policies like health savings accounts and Social Security reform. He's willing to gamble on big ideas that aim at reformation, especially of individual character (the goal of the "ownership society"). He is not so comfortable with ideas in the sense of principles or theories, especially if these interfere with compassionate action. If people are hurting, he thinks government has to "move."

The spectacular exception to his aversion to abstract theory is his foreign policy, which aims at global democracy based on the natural rights of man. Yet for Bush natural rights seem to be mainly for export, not for domestic consumption; they point to a government more limited than he prefers. No consideration of natural rights has ever prevented his administration from scratching one of its compassionate itches, whether affirmative action, the prescription drug benefit, or post-Katrina reconstruction.

What accounts for the president's strange mixture of compassion and conservatism? Perhaps his education in the 1960s, when the Left was raging, soured him on any politics purporting to be based on philosophy or abstract principle, rather than on heartfelt care or effective compassion for another human being. Maybe his stance is congenital. His father, notoriously, valued character over "ideology." More likely, George W. would trace his views to his born-again faith. We know from the 2000 primaries that his favorite political philosopher is Jesus Christ. Bush takes his faith seriously, and its emphases on the dominion of Spirit over Law (including constitutional law?) and on purity of heart colors his view of human excellence.

He's looked into Harriet Miers's heart, and he likes what he sees. But Christ's kingdom is not of this world, and here below it's reasonable to insist on more evidence. Political men and women need good character and high principles, preferably of the conservative sort. Miers's compassion may be laudable, but it is not a philosophy.

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# CORRESPONDENCE

## HIGHER EDUCATION

In "Profiles in Diversity" (Summer 2005), Victor Davis Hanson writes, "Upon arriving in the Bay Area, [new Chancellor of the University of California, Berkeley, Robert J. Birgeneau] quickly vowed to solve the problems he had found. Surprisingly, these had nothing to do with a decline in academic standards, deterioration in the quality of Berkeley's key departments, or a state funding crisis."

Surprisingly? How acute are these problems at Berkeley? As the father of a Berkeley junior, I would like to know. Regarding standards and key departments, I confess I was reassured last year when the *Times Higher Education Supplement* did its first-ever worldwide ranking of research universities and placed Berkeley second, after Harvard, and ahead of third- and fourth-place finishers M.I.T. and Caltech. But Mr. Hanson may know something that the T.H.E.S. team does not. I would be happy if he shared it with us (and them).

Regarding state funding, Mr. Hanson provides no more evidence of a crisis than he does of a decline in academic standards, but, again, perhaps he could provide some if asked. Does he believe, meanwhile, that Chancellor Birgeneau is deceived or that he is deceptive in the July letter his office sent to Berkeley parents and alumni, which opens: "Governor Schwarzenegger signed the 2005-06 state budget yesterday. Overall, this budget is very good news for the University of California, particularly after the last four years of difficult cuts."

American university life offers some lamentable examples of "diversity" carried to wretched excess. I share Mr. Hanson's sympathies, by and large. As a Harvard alumnus, I wrote President Summers a letter of support. However, it is mere enthymeme to suggest that the presence of these vices proves the absence of other virtues. The current Berkeley online newsletter highlights several kinds of conservatively incor-

rect good news, by which I mean the kind that doesn't "compute" for ideologues. One example is the award of this year's Templeton Prize to a Berkeley Nobel laureate in physics, Charles Townes, for his work on the compatibility of faith and science. Another is an across-the-board banner year for Berkeley teams, Cal's pencil-necks finishing #1 in the nation in men's rugby and women's crew.

Berkeley remains liberal, of course. The same letter that hails the Schwarzenegger budget as, in several named regards, very good news goes on to lament the elimination of "\$3.8 million in funds for research into labor and employment issues." For conservatives, that bad news is good news, needless to say. The letter that congratulates Dr. Townes on his Templeton also cheers the receipt of \$40 million from the Li Ka Shing Foundation for health sciences research, specifically including stem cell research. For conservatives—the ones running things, I mean, not those quietly put out to pasture—stem cell research is the devil's work. Finally, the online newsletter mentions a talk that Chancellor Birgeneau, a physicist (diversity-obsessed in Mr. Hanson's description of him), delivered to disadvantaged students in Berkeley's Upward Bound math-science program about "states of being, flat-screen TVs, and the secrets of sea monkeys." Conservatives will groan not just at this catering to the disadvantaged but also at the very survival of Upward Bound.

Let them. In my youth, I, too, was enthusiastic about William F. Buckley, Jr. The first article I ever published appeared in *National Review*. But if I may paraphrase and reverse an oft-quoted line, "A man who isn't conservative at 20 doesn't have a brain. A man who is still conservative at 40 doesn't have a heart." I quite agree with your editor that conservatism has carried all before it in the United States. Alas, I find its thinking as mushy and its heart as hard as ever.

Jack Miles  
Los Angeles, CA

Victor Davis Hanson replies:

It is hard to know whether Mr. Miles's letter is sincere or a caricature of a throat-clearing academic. Instead of discussing what I wrote, he only makes conjectures about what I didn't write—that conservatives such as myself would oppose U.C. stem cell research or lampoon Chancellor Birgeneau's talks to the underprivileged.

Meanwhile he does not address, much less adduce any evidence to refute, the points of the piece—namely that to save his job Lawrence Summers backed down from the defense of free inquiry and granted \$50 million in *Danegeld* to the feminist lobby; that rather than addressing Ward Churchill's multifaceted fraud, Elizabeth Hoffman evoked the tired bogeyman of McCarthyism; that Denice Denton, though praising diversity at a time of budget cutbacks for staff, created a special U.C. billet for her girlfriend that was not open to other applicants; and that Robert Birgeneau plans to take steps so that his campus's ethnic profile will mirror that of the state's, but will not tell us in his world of racial percentages how that will be so—other than by de facto restricting the number of Asians, for example, who meet current admission criteria so that others who do not can enroll.

Pace Mr. Miles, the ranking of graduate schools—or the success of the men's rugby or women's crew team—is not a reliable barometer of undergraduate education, which really is threatened by spiraling costs, the exploitation of part-time faculty, the rarity of senior professors who teach many freshmen and sophomore courses, and an increasingly politicized and therapeutic curriculum.

Since the essay appeared, Ward Churchill has been granted a merit-pay raise from the University of Colorado, and a Republican governor managed to avoid a fifth year of additional funding cuts at the University of California.

## A NATION AT WAR

I wonder what planet Adam Wolfson lives on ("Between Idealism and Realism," Summer 2005).

First, he asserts that "Americans have little taste for war." Our record, however, is that of one of the least pacific of nations. Without provocation, American forces have invaded Canada, Mexico, Cuba, and the Philippines one or more times. With no direct threat to the United States, American forces have been in extended wars in Korea, Vietnam, and Iraq. There may have been a case for some of these wars, but no purpose is served in denying this record.

Second, he claims that "George Bush...had resisted efforts to increase significantly the defense budget...." In fact, total national defense outlays increased from \$304.9 billion in fiscal

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year 2001 to (an estimated) \$465.9 billion in fiscal year 2005, a 53% increase over four years. One wonders how large an increase Wolfson would regard as significant.

William A. Niskanen  
Chairman, Cato Institute  
Washington, D.C.

*Adam Wolfson replies:*

Back on planet Earth, or at least that portion of it called Red America, many of us think that Korea, Vietnam, and Iraq were defensive wars. Only an ideologue would suggest, as does Mr. Niskanen, that the United States is some sort of an imperialist hyperpower. Indeed, it is highly revealing that nowhere in his diatribe does he make mention of the September 11 attacks on our country.

But let's talk numbers: during World War II defense spending eventually reached close to 40% of GDP; at the height of the Cold War it was about 10%; and through the late '60s and early '70s, it ranged from 7 to 9%—only to fall sharply in the Carter years. During Reagan's defense build-up it reached 6%. Today, defense spending is 3.7% of GDP—exactly what it was in 1995. That is, exactly what it was when we were at peace and with nary an enemy in sight. So, no, it does not seem to me that we are exactly on a war-footing, even though we are most certainly at war.

One of Reagan's favorite maxims was "peace through strength." It was a wise policy then; and it's a policy we would do well to follow now.

## LIBERTARIAN RIGHTS

I was deeply disappointed by John Eastman's misrepresentations of libertarianism in his review of a new Clarence Thomas biography ("Colorblind Justice," Summer 2005). Prof. Eastman claims that libertarians don't believe in inalienable rights or in natural-rights theory in general. This is preposterous. Robert Nozick begins his libertarian classic *Anarchy, State and Utopia* by stating that "Individuals have rights, and there are things no person or group may do to them (without violating their rights)." Randy Barnett's recent *Restoring the Lost Constitution* is based entirely on the theory that inalienable rights, and not consent as such, give legitimacy to a constitution. And Ayn Rand wrote that a person's "life is his by right (which means: by moral principle and by his nature)...and that the only moral purpose of a government is the protection of individual rights."

Obviously, Prof. Eastman may disagree with these and other libertarian thinkers as to

the origin or significance or function of rights, and he may even think their interpretations are self-contradictory or silly. But to write that libertarians don't believe in natural rights at all is like denying that Christians believe in God. No serious debate over libertarianism and conservatism can exist if the ideas at issue are mischaracterized for your readers.

Timothy Sandefur  
Pacific Legal Foundation  
San Francisco, CA

*John C. Eastman replies:*

Given Timothy Sandefur's use of quotation marks around passages from Robert Nozick and Ayn Rand, his omission of quotation marks around what he claims I wrote is quite telling. Even a cursory read of my review of Ken Fosskett's biography will demonstrate that Sandefur's accusation is unfounded.

I did take issue with Fosskett's characterization of Justice Thomas's jurisprudential philosophy as simply an anti-government libertarianism. I noted instead that the Justice's philosophy is "grounded in a morality of self-evident truths and inalienable rights" (emphasis added) that is "both deeper than and different from libertarianism." Sandefur apparently overlooked the word "morality" in my description, but it is critically important to the point I was making. Indeed, I take the claim that there is a moral foundation to the idea of unalienable rights (or at least that government has a role to play in fostering the kind of moral virtue necessary in a government devoted to securing those rights) to be the principal point of disagreement between conservatives and contemporary libertarians. The latter, quite frequently (though not uniformly), follow a more amoral understanding of inalienable rights than conservatives do, an understanding that all too often prevents them from distinguishing between licentiousness and liberty.

Our nation's founders did not have any such confusion. In his First Annual Message to Congress in 1790, for example, President George Washington urged the Congress to foster knowledge among the citizenry because knowledge contributes to the security of a free constitution by teaching people "to discriminate the spirit of liberty from that of licentiousness—cherishing the first, avoiding the last." In my view, Justice Thomas's jurisprudence reflects this deeper, moral understanding of liberty rather than simply the anti-government position depicted by Fosskett. If Sandefur now believes that there is a moral component to the doctrine of inalienable rights, I welcome him to our side.

## IS TRADITION ENOUGH?

Ralph Rossum's review of two new books on Justice Scalia ("The Wit and Wisdom of Justice Scalia," Summer 2005), is meant to display a different method of deciding cases than that of liberal activists who have dominated the judicial scene for more than half a century.

"Text and Tradition," according to Rossum, "is a phrase that fills Justice Scalia's opinions. Judges are to be governed only by the 'text and tradition of the Constitution,' not by their 'intellectual, moral and personal perceptions.'" For Scalia, we are told, reliance on text and tradition is a means of constraining judicial discretion. Scalia believes that "the main danger in judicial interpretation of the Constitution...is that judges will mistake their own predilections for the law." According to Rossum, "Scalia holds that the Constitution creates two conflicting systems of rights. One is democratic—the right of the majority to rule individuals; the other is antidemocratic—the right of individuals to have certain interests protected from majority rule.... He thinks that by identifying those areas of life traditionally protected from majority rule the Court can objectively determine which individual freedoms the Constitution protects."

As Abraham Lincoln said, "Stand with anybody that stands Right. Stand with him while he is Right and Part with him when he goes wrong." In his stand against judicial activism, Justice Scalia certainly stands right, and Prof. Rossum is right for commending him. But in the jurisprudence with which he takes that stand, he is fundamentally in error. Although Justice Scalia frequently reaches what I believe are right results, they are nonetheless based upon false premises. Because of this, his correct conclusions are easily discredited in the public mind by the liberal activists who dominate the judicial scene.

To begin with, the idea that the Constitution creates two conflicting systems—a right of the majority to rule and an allegedly anti-democratic right of "individuals" for protection of "certain interests" from majority rule—is wrong. Justice Scalia is utterly mistaken as to what constitutes what he calls "democratic theory." In an address delivered in Rome in June 1996, Scalia defined it thusly: "The whole theory of democracy...is that the majority rules; this is the whole theory of it. You protect minorities only because the majority determines that there are certain minority positions that deserve protection." And again: "...you cannot have democratic theory and then say, but what about the minority? The minority loses except to the extent that the majority, in its document





of government, has agreed to accord the minority rights."

I don't know where Scalia learned what he calls "democratic theory," but he agrees with Thrasymachus who argued in Plato's *Republic* that justice is the interest of the stronger; and, of course, with Stephen A. Douglas who famously didn't care whether slavery was voted up or down in the U.S. territories. Pure majoritarianism leads directly to the plebiscite, which has been the tyrant's instrument of legitimacy from Napoleon to Hitler, Stalin, Mao, Pol Pot, and Saddam Hussein. The slightest reflection would prove that a majority formed without the freedoms of speech, press, and association would not have any democratic legitimacy whatsoever. These rights are natural rights, rights with which we have been endowed by our Creator. They are not "accorded" by the majority, and no democratic majority, properly so called, can exist unless they are honored *a priori* in the electoral process. Individual rights, possessed by all, majority and minority alike, are not antidemocratic, but the very condition of the possibility of democracy as free government.

Scalia speaks of the majority "according" the minority rights in its document of government. He is in all likelihood thinking of the Bill of Rights added to the original Constitution. But Madison and his colleagues never for a moment thought that those rights arose from their enactment. The enactment was "to secure these rights," rights which existed prior to, and entirely independent of, their enactment. These rights are not a gift by the majority to the minority. They are a gift to all mankind from the Author of the "laws of nature and of nature's God." Is a majority democratic when it denies these rights to the minority? Such denial constitutes the very negation of democracy, rightly understood. White majority rule in the Jim Crow South was not democratic rule.

According to Rossum, Justice Scalia "thinks that by identifying those areas of life traditionally protected from majority rule, the Court can objectively determine which individual freedoms the Constitution protects. 'I would separate the permissible from the impermissible on the basis of our Nation's traditions, which is what I believe sound constitutional adjudication requires.'" But the nation's traditions include 250 years of slavery and at least three quarters of a century of Jim Crow. Aristotle observed, however, that what men seek is not the traditional but the good. Freedom of speech is a good tradition; lynching is a bad tradition. It is a mistake to appeal to tradition, unless one distinguishes good traditions from bad traditions. The most important distinction is then not between the traditional and the untradi-

tional, but between the good and the bad. In his letter to the Hebrew Congregation in Newport, President Washington said, "It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights." Not tradition—which in European countries, before and after the American Founding, was mainly one of persecution and intolerance—but "inherent natural rights" determined the rights of the Jews. The law of nature and the law of reason were one and the same, as John Locke had said. While tradition might be invoked when it agrees with reason, it ought not prevail in opposition to reason.

The American tradition of freedom has been one of aspirations long held and gradually achieved. The documentary source of those aspirations, standing at the headwaters of all our good traditions, is the Declaration of Independence. Yet Justice Scalia hardly ever mentions it, and he denies that it has any role in constitutional jurisprudence. Whatever the merits of his opinions in particular cases, he is virtually of no use at all in the warfare waged against our good traditions by liberal judicial activists.

Harry V. Jaffa  
Distinguished Fellow  
The Claremont Institute  
Claremont, CA

Ralph A. Rossum replies:

Justice Scalia, it is true, does not proceed from the natural-rights perspective of the Declaration of Independence, which he dismisses as an "aspirational" theory of constitutional interpretation. As Harry Jaffa's students, Larry Arnn and Ken Masugi, have correctly characterized, Scalia has a "vulgar majoritarian" understanding of democracy. His theory of democracy bears no relation to the nation's traditional understanding of the limits of the principle of majority rule, so perfectly captured by Thomas Jefferson in his First Inaugural Address: "All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression." According to Jefferson and the traditional American understanding, "the minority possess their equal rights" by nature and therefore independently of the majority; their equal rights are antecedent to majority rule, and majority rule is circumscribed by them.

Scalia simply has not developed a well-thought-out understanding of the principles of democracy. Perhaps as a consequence, he appears

to assume that democracy everywhere operates as it does in the United States at the beginning of the new millennium: where the Constitution, as amended, protects the rights of minorities; where both the Constitution and its subsequent amendments were ratified by extraordinary majorities; and where the principal threat to democracy is not majority rule trampling on the rights of minorities, but the Court itself threatening the right of the majority to rule itself.

But what is the practical consequence of Scalia's logical-positivist assumptions? If Scalia were a framer, they would be significant—and harmful. But Scalia is simply a justice on the Supreme Court. The only justice on the Court to operate on the natural-rights principles of the Declaration that both Prof. Jaffa and I embrace is Justice Clarence Thomas. Yet despite their philosophical disagreements, Justices Scalia and Thomas have, through the end of the Court's 2004-05 term, agreed in 87.3% of all the cases they have heard together, and in 76.7% of all recent non-unanimous cases. Over their 14 years together on the Court, in only 38 cases has one written a dissenting opinion when the other has voted with the majority; in only two cases has one written the opinion of the Court while the other has joined the dissent; and, most remarkable of all, in only five cases has one written the majority opinion while the other has written a dissent (and—this is of critical importance—all of them turn on questions of statutory construction).

The only hypothetical case I can imagine where Justices Scalia and Thomas might differ (and I emphasize might) when the stakes were truly high would be something like the following: Congress passes a law, following the example of the People's Republic of China, mandating the abortion of all children but a couple's first child. Thomas, on natural-rights grounds, would doubtless find such a law unconstitutional; Scalia, on logical-positivist premises, probably would not.

But Scalia is not simply a logical positivist; he is also a textualist, and as a textualist he would doubtless conclude that such a law is contrary to the text and traditional understanding of the right to liberty under the Due Process Clauses of the 5th and 14th Amendments. And, of course, if the American public were to become so morally corrupt as to tolerate, much less endorse, the passage of such a law, it is difficult to imagine that either Thomas's natural-rights arguments or Scalia's textualism would in any meaningful way save us. Remember the words of James Wilson, one of six framers to sign both the Declaration of Independence and the Constitution and a member of the original Supreme Court: "For a people wanting to themselves, there is no remedy."



## CONSERVATIVE POLITICAL CORRECTNESS

John Kienker's attempt to drum the author of *The Politically Incorrect Guide to American History* out of the ranks of legitimate conservatives is an example of a kind of secular excommunication the conservative movement could do without ("Mainly Incorrect," Spring 2005).

Important issues divide Kienker and Thomas Woods: when America should intervene abroad, for example, and whether conservatives should embrace the legacy of the secessionist South. On some of these I'd guess I'm with Kienker. On others I'm closer to Woods. For instance, our overgrown government looks to me (an only partially reconstructed Southerner) more like America's punishment for slavery than like the triumph of liberty.

And Kienker's absolute distinction between the right to revolution, which seems to be a first principle with him, and the right to secession, which he utterly rejects, seems even more eccentric than Woods's sympathy with the South.

But do we need a political correctness of the Right? Conservatives should be able to

point out each other's errors without resorting to claims that the other side's arguments "disgrace" us and undermine the "respectability and honor" of the conservative movement. Let's save excommunication for the truly offensive and dangerous.

Elizabeth Kantor  
Managing Editor  
Eagle Book Clubs  
Arlington, VA

*John B. Kienker replies:*

Neither the *Claremont Review of Books* nor its managing editor presumes to be the Grand Inquisitor of the conservative movement. But a conservative creed that embraces both the principles of liberty and of slavery is confused about what it calls us to affirm.

Today's liberalism rejects the idea of rights that exist prior to government in favor of an administrative state, unlimited in scope and dedicated to an unending quest for "progress." In the 19th century, Southern demagogues placed "sovereign states" above individual rights, denounced the basis of just government as a "self-

evident lie," and championed their own version of progress, based on the latest theories of racial evolution.

Ms. Kantor thinks my distinction between revolution and secession is "eccentric." But it is the same distinction made by Washington, Jefferson, Madison, Andrew Jackson, Daniel Webster, and Lincoln. At its core, our republican government is animated by the abstract truth that all men are created equal. This principle, as Lincoln said, is the only sure rebuke and stumbling block to reappearing tyranny and oppression in whatever guise it may appear. Any conservatism that denies this is quickly reduced to an unprincipled mess of brute preferences.

In the end, it is Woods who favors excommunication, casting out Abraham Lincoln, and with him, our natural-rights Constitution. I have read Woods's more recent book defending the Catholic Church, and enjoyed it. I hope he will be converted to the founding principles and join us in strengthening the conservative movement. But as conservatives, we must decide what we will conserve: the self-evident truths of the American Founding, or a moral relativism leading either to anarchy or despotism.

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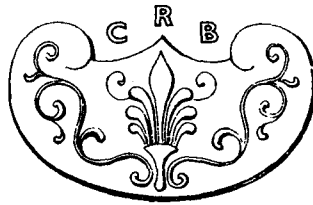
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## REBELS WITHOUT A CLUE

Book Review by William Voegeli

*Nation of Rebels: Why Counterculture Became Consumer Culture*, by Joseph Heath and Andrew Potter.  
HarperCollins, 368 pages, \$14.95 (paper)

JOSEPH HEATH AND ANDREW POTTER, THE Canadian professors of philosophy who wrote *Nation of Rebels*, are men of the Left. "The reason we're leftists," Heath told the *Atlantic Monthly*, "is that we actually share the core left-wing critique of capitalism.... [When] it comes to the environment, the stability of the banking system and the importance of macro-economic stabilization, labor-market policies, welfare, unemployment, health insurance—the Left has been absolutely right on every single issue."

Their sensibilities, however, are conservative. *Nation of Rebels* can sound Burkean: "[The] only way we are able to go about our business in society is by trusting other people.... One way in which people establish the requisite trust is by demonstrating their willingness to play by the rules in small symbolic ways. This is the core function of courtesy and good manners." At one point Heath and Potter say to their allies on the Left, "[We] really need to stop worrying so much about fascism. What our society needs is *more* rules, not fewer." Elsewhere they contend that for adolescents the sexual revolution "was not liberation, it was hell. The absence of settled rules meant that no one knew what to expect from anyone else."

At other times *Nation of Rebels* will remind its readers of Friedrich Hayek or the early *Public Interest*:

The amount of intellectual energy that has been dedicated to the task of searching for an alternative to the market in

the past century is staggering. And yet no matter how you run the numbers, the answer always comes out the same. There are essentially two ways of organizing a modern economy: either a system of centralized, bureaucratic production (such as was found in the former Soviet Union), or else a decentralized system, in which producers coordinate their efforts through market exchange.... Central planning works fine for the military, or some other organization where members are willing to accept a standardized allotment of clothing, food rations or housing and to be assigned specific jobs to perform. But in a society where individuals hope to pick and choose among a range of lifestyle opportunities, there is no getting around the need for a market.

Above all, though, Heath and Potter are as dismissive of the modern Left's worldview as P.J. O'Rourke is. "You can't even organize a commune, much less an entire society, based upon the assumption that people will behave like saints," they tell us. "Consumerism.... always seems to be a critique of what *other people* buy.... [The] so-called critique of consumerism is just thinly veiled snobbery or, worse, Puritanism." They sum up aptly the countercultural message of the film, *American Beauty*: "[It] is simply not possible to be a well-adjusted adult in our society.... The alternative [to perpetual adolescence] is to 'sell out,' to play by the rules, and thereby to become a neurotic,

superficial conformist, incapable of experiencing true pleasure." To which they respond: "The greatest weakness of countercultural thinking has always been its inability to produce a coherent vision of a free society, much less a practical political program for changing the one we live in."

HOW ARE WE TO SITUATE HEATH AND Potter, leftists who scoff at the fatuousness of what the Left says and does? The answer requires distinguishing the ameliorative Left from the transformative Left. Heath and Potter want to build the former as an intellectual and political force. To do so they must show that the latter is not a viable alternative, just a bad joke. *Nation of Rebels* argues for a Left that improves upon capitalism's results, rather than one that, disdainful of such improvements, "will not settle for anything less than a total transformation of American culture and consciousness."

There have been two attempts to forge a transformative Left. The first, Communism, ended in tragedy. Heath and Potter say the second, the counterculture, is farce. It has "almost completely replaced socialism as the basis of radical political thought." Compared to Marx's relatively "modest" critique, the countercultural one "is so vast and all-encompassing that it is difficult to imagine what could possibly count as 'fixing things.'" Because the counterculture offered no goal to reform toward, "the concern for social justice became redirected and absorbed into an increasingly narcissistic preoccupation





with personal spiritual growth and well-being.”

Heath and Potter criticize such theorists as Michel Foucault and Theodore Roszak. Under their influence, “Traditional leftist concerns, such as poverty, living standards and access to medical care, came to be seen as ‘superficial,’... [compared to] ‘the psychic liberation of the oppressed.’” The boring old Left never stood a chance against the new one: “Doing guerilla theater, playing in a band, making avant-garde art, taking drugs and having lots of wild sex certainly beat union organization as a way to spend the weekend.”

It’s bad enough that the countercultural rebels are wasting their time and energies on “dramatic gestures that are devoid of any progressive political or economic consequences and that detract from the urgent task of building a more just society.” What’s worse, say Heath and Potter, is that the would-be progressives imagine their posturing is undermining capitalism, and all the while it is just strengthening it. *Nation of Rebels* argues that “the cultural contradictions of capitalism,” described by Daniel Bell in 1975, have all been resolved—in capitalism’s favor. Following Thomas Frank in *The Conquest of Cool* (1997) and David Brooks in *Bobos in Paradise* (2000), Heath and Potter claim that the counterculture—bohemianism on steroids—has rendered the practice of capitalism vastly more profitable, without making the results of capitalism even slightly more admirable.

*Nation of Rebels* treats the desire for distinction as an ineradicable part of human psychology, and the driving force behind every economic choice beyond mere subsistence. In upper-class London neighborhoods in the 1950s people bought televisions but didn’t want their vulgar desire for popular entertainment to be known, so they would refuse to erect outdoor antennas, preferring to live with terrible broadcast reception.

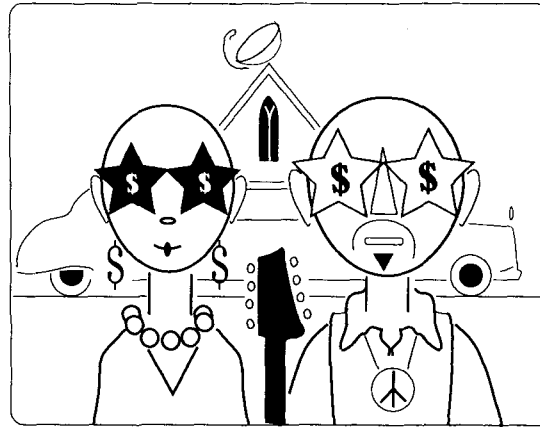
In working-class neighborhoods people couldn’t afford TVs but didn’t want to be thought poor, so while saving up for an actual television they’d buy the antenna *first*, and then rush to put it up in the most conspicuous place outside the house. All that’s left of the 1960s’ countercultural critique of “mass society” is the desire to be cool, an idea whose meaning constantly changes even as its importance constantly grows. Heath told the *Atlantic*:

rebellion is a very good way of setting yourself apart from the masses, whether it’s by being cooler or morally superior or just better informed than other people. It’s a search for prestige in the most basic sense.... You can see the almost unassailable sense of superiority that’s associated with the vegan, organic-vegetable-shopping, back-to-the-land, Guatemala-hand-

craft-wearing, anti-globalization activists. They clearly think that they’re better than the people who do not share their system of values. So, because other people don’t like being characterized as brainwashed cogs, they wind up promoting competitive consumption.

Or, as *Nation of Rebels* says, “[The] hippies did not sell out. Hippie ideology and yuppie ideology are one and the same.”

The reason the transformative Left is politically ineffectual is not that it leads people to devote time to performance art rather than voter registration. The real problem is that it rejects attainable reforms that would deliver tangible benefits, in favor of either inconsequential countercultural gestures or vast, sweeping projects no one can possibly enact, or even explain. Protecting the environment, for example, is



not easy but Heath and Potter argue that it is simple. Pollution is a negative externality, a cost created by factory owners and car drivers but borne by air breathers. The solution is that “all externalities should be internalized” through taxes and tradeable pollution permits. Earth-friendly self-restraint will be promoted far more effectively by taxes that “compensate the farmer whose groundwater gets contaminated thanks to run-off from your garbage in the local dump” than it will by a hundred lectures about the lofty virtues of conservation and recycling.

Environmentalists’ reactions to this effective solution, however, range from grudging acquiescence to strident opposition:

[Pollution] permits don’t force CEOs to reevaluate their attitude toward nature, or to abandon their single-minded pursuit of profit. They represent, in the eyes of many environmentalists, ‘the commodification of nature....’ [People] should conserve energy out of virtue [these environmentalists think], rather than because of the size of their electricity bill.

This position, Heath and Potter write, is “just warmed-over countercultural mythology—the critique of mass society in ecological disguise.” Thus

the preferred solution to environmental problems is pretty much the same as the countercultural proposals to correct consumerism: individual responsibility through moral education, and individual action through enlightened lifestyle choices. Plant a tree, ride a bike, compost your kitchen waste and save the earth.

Sensible and attainable solutions are dismissed—they can be carried out by people who aren’t cool, devaluing the psychic premium now enjoyed by the practitioners of conspicuously correct consumption.

AS AN AGENDA FOR GOVERNANCE, THE program of Heath and Potter’s ameliorative Left hangs together, though conservatives won’t sign up for many of their proposals, which include emulating France’s 35-hour workweek and placing regulatory limits on the amount of cosmetic surgery people can have. (Don’t ask.) It’s the politics of the ameliorative Left that are the hard part—and the politics have to be sorted out before the ameliorative Left is in a position to *do* any governance. The tiresome, prosaic Bob Dole question—“Have you got the votes?”—turns out to be pretty important.

The transformative Left can’t govern, or even say what it would do if it did govern, but its gauzy vision of a world remade does win adherents. Can Heath and Potter compete with that? Are there leftists out there, moved by the “vision” of a 6% improvement here or an encouraging trend there, who will go ring doorbells and drive vans to the polling booths?

The authors are aware of the problem. “[S]tate action is subject to diminishing returns and therefore political action gets more difficult and less rewarding,” Potter told the *Atlantic*. Consider, again, the environment. We solved the easy problems first, according to Potter, such as banning lead in gasoline: the benefits were both clear and considerable while the costs were modest. This means the environmental problems that remain are hard. The costs and benefits of dealing with them “are more evenly balanced,” so “you have to start crunching numbers and doing some economics and it gets very complicated.” So, on the one hand, “it gets more difficult to mobilize people politically when you’re trying to argue for complex things like tradable pollution permits.” But the very fact that the Left has to work and think harder to secure these marginal improvements through better policies means, on the

other, that “we need to galvanize ourselves to get more engaged politically, precisely because the problems are more difficult.”

To express this hope, however, is to extinguish it. If, back when the problems were easy, the transformative Left’s constituents disdained the dull, necessary efforts needed to secure dull, necessary improvements, is it plausible they’ll get serious now, when everything is more complicated and less rewarding? Complex problems are apt to make greater political engagement both more necessary and less likely.

The 2004 election results triggered dismay and incredulity across the Left. Liberals have begun saying, “We’ve got to get serious.” A 2004 article in the radical journal *LiP*, for instance, echoed the *Nation of Rebels* thesis: the

Left has been undone by its own “activism,” an ideology combining “moral zeal” with “political illiteracy.” The antiwar movement, for example, understands “success” to mean that “actions take place, conferences are planned, new people become activists,” even though “it’s no longer clear what war we’re protesting.” Details, details. “[It] turned out to be important to have something to say to skeptics who asked: ‘What’s your alternative?’”

Is an ameliorative Left possible? Heath and Potter are participants in an interesting experiment. If liberals’ self-marginalizing narcissism is an accidental quality, one that can be cut away to leave behind a stronger determination to enact a better reform agenda, their efforts might succeed. If it’s an essential attribute that

can’t be removed without killing the patient, then the task is hopeless.

For conservatives, the easy part is to agree with the book’s devastating critique of countercultural inanities. The hard part is to know what to think of its authors’ political project. A serious Left could be: a welcome change from the gassy self-righteousness of the transformative Left; a newly formidable adversary; or people one can do business with, to borrow Margaret Thatcher’s remark about Mikhail Gorbachev. Of course, a serious Left may turn out, instead, to be simply impossible—a contradiction in terms.

William Voegeli is vice president of the Claremont Institute.

Book Review by Jean M. Yarbrough

## LEFT BEHIND

*Citizenship and Democratic Doubt: The Legacy of Progressive Thought,*  
by Bob Pepperman Taylor. University Press of Kansas, 240 pages, \$29.95

BOB PEPPERMAN TAYLOR HAS WRITTEN a useful book, but not perhaps for the reasons he supposes. Taylor, whose book is part of the esteemed American Political Thought series edited by Lance Banning and the late Wilson Carey McWilliams, is clearly a modern liberal. He looks back to the Progressives at the turn of the 20th century because they were the first generation to challenge systematically the principles and achievements of the American Founders. Like the Progressives, Taylor insists that our rights need no foundation in God or nature, but can be vigorously defended by a purely “pragmatic assessment.” And he agrees that the Constitution and the judiciary are undemocratic. But he is not principally interested in pursuing these matters or in offering a general interpretation of Progressivism. Instead, he focuses on how key Progressive thinkers understood democratic citizenship in a large, heterogeneous modern state. His aim is to save Progressivism from some of its worst impulses, and thereby redeem its legacy; but he succeeds so thoroughly in exposing its leading figures’ flaws that his book will interest critics of the movement as much as its admirers.

A professor of political science and Dean of the Honors College at the University of Vermont, Taylor approaches the subject indirectly, beginning with the Greeks, who invented democracy, but not the kind the founders or the Progressives had in mind. What he admires is

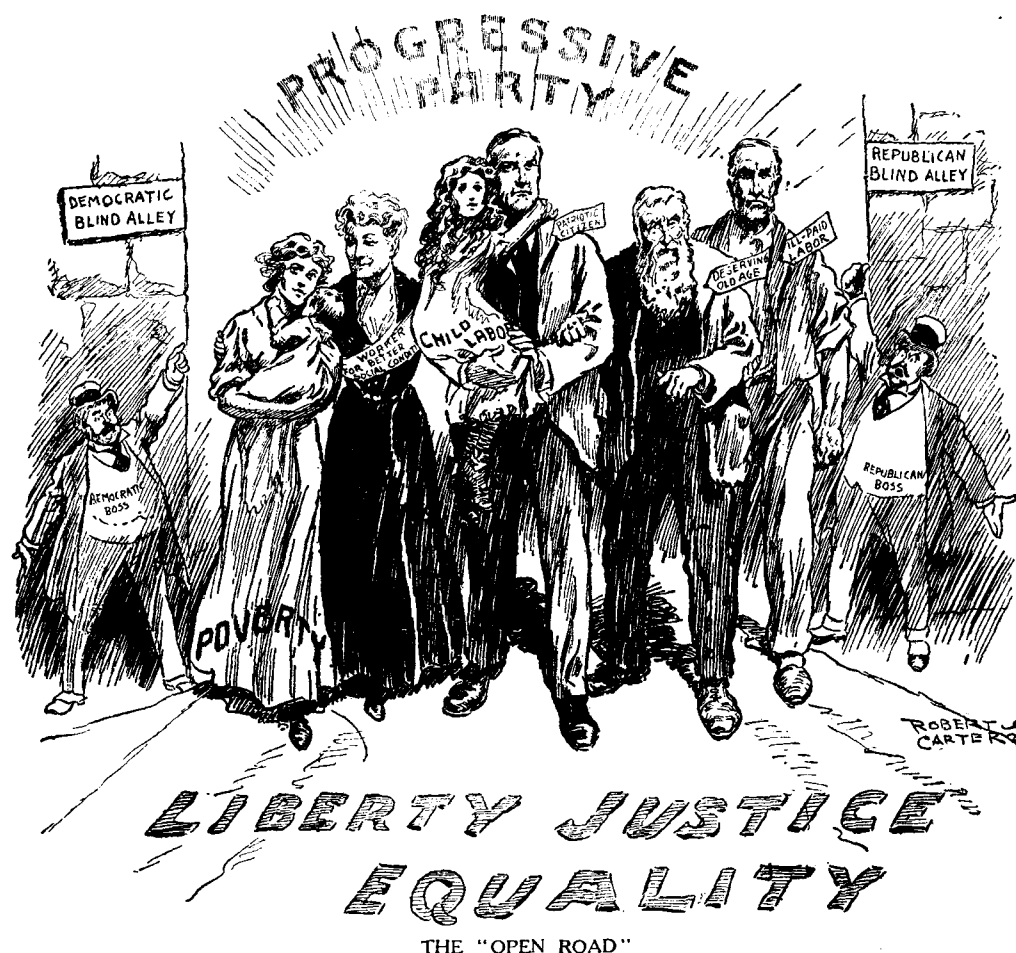
a certain communitarian strain that emerges from his reading of Plato’s *Crito* and Sophocles’ *Antigone*. According to Taylor, both *Crito* and *Ismene*, the sister of *Antigone*, exhibit a moral realism that respects the equal dignity of citizens who disagree with them and does not demand of citizens a level of knowledge beyond their reach. By contrast, Socrates and *Antigone* are both prone to hard-hearted justice and, what’s worse, self-righteousness.

With this lesson in mind, Taylor turns to Tocqueville, who in *Democracy in America* had famously observed that what Americans need is not humility but more pride. Taylor, however, sees pride as leading to the arrogance and self-righteousness that poison democratic politics, turning moderate citizens away from the public realm. With Reinhold Niebuhr, Taylor calls for more humility, which, he argues, will lead citizens to respect one another and to recognize that their opponents are as morally good and as morally compromised as they. Alas, Taylor doesn’t seem able to heed his own advice. He accuses James Q. Wilson, Gertrude Himmelfarb, Robert Bork, and Allan Bloom of making their case against the decadence of liberal elites “with varying degrees of hysteria,” a criticism that, when directed against the mild-mannered Himmelfarb or the judicious Wilson, makes Taylor sound shrill and intolerant. And although he offers Amy Guttmann and Stephen Macedo as their “liberal” counterparts, no such condemna-

tion accompanies his discussion of their work, even when Macedo unapologetically attacks religious conservatives and hopes for the “extinction” of their communities.

AT THEIR BEST, TAYLOR ARGUES, THE Progressives displayed a becoming modesty, a willingness to tolerate their political opponents that is very much in need in our day. But if their thought is to be useful again, the Left must first learn to avoid two “pernicious ideas” that continue to haunt the “democratic imagination.” The first of these speaks to Taylor’s long-standing environmentalism, reinforced by his postmodernism: the Left must steer clear of a politics modeled on modern science. He is especially good at uncovering the left-wing Social Darwinism that runs through Progressivism. Conservative Social Darwinists like William Graham Sumner counseled society to accept the workings of nature, confident that “the survival of the fittest” would ultimately benefit humankind. But his left-wing counterparts urged men to apply their intelligence to the conquest of nature—to harness its brute forces for the human good. In *A Preface to Politics*, for instance, Walter Lippmann cast science as the “twin brother of democracy,” undermining traditional religious and political authority but forging new communities that would improve the world. Although there are many good reasons to resist the marriage of





Editorial cartoon by Robert Carter, published in the Boston Journal in 1912. Reprinted by courtesy of Boondocksnet.com.

science and politics, Taylor focuses on the unintended consequences of such a policy for the environment. In passing, he also criticizes this vision's flatness, assuming as it does that the human longing for eternity is simply a throwback to a more superstitious age that has now been overcome by modern science.

If Lippmann can be faulted for his arrogance, Herbert Croly gives voice to the second pernicious error: a utopian hope that all conflicts between individual interest and the social good can finally be overcome. Like Lippmann, Croly criticized the founders, and Jefferson especially, for assuming that the public good would automatically result from individuals pursuing their self-interest. But whereas Lippmann looked to modern science, Croly emphasized the political need to overcome self-interest, indeed to cultivate disinterestedness in the population as a whole. As Taylor notes, this disinterestedness takes on a religious character; it becomes an essential element in the new "religion of human brotherhood."

Later progressives, including Richard Hofstadter, Charles Forcey, Eric Goldman, and more recently, Rogers Smith, balked at Croly's call for disinterested citizenship—to the point that Hofstadter warned against the individual's almost fascistic surrender to the good of the nation. (Croly did say the kind of socialism he supported was *national socialism*.) Taylor takes a different tack. Based on his reading of Croly's

*Progressive Democracy*, he argues that Croly actually held two conflicting views of citizenship. While he sometimes suggested that citizens can overcome their self-interest and work in a disinterested manner for the public good, at other times Croly took a more expansive view of self-interest, implying that our true interests coincide with the good of the whole. And while this second interpretation may sound more benign (indeed almost Jeffersonian!), Taylor still finds it "alarming" because it is too heroic and does not take into account the conflicts of interests at the heart of democratic politics. In short, "the greatest excesses of Croly's theory were not found in his faith in social science," but rather in

his millennial and humanistic Christianity, his view that democracy was just another way of speaking about the achievement of a holy (yet worldly) community that prevented him from thinking of democratic politics as an imperfect but honorable middle ground, where both sacrifice and self-interest must be found.

**M**OST SURPRISING, HOWEVER, IN A book that wishes to redeem Progressivism, is Taylor's criticism of its high priest, John Dewey. Of course, Taylor praises Dewey for eschewing outmoded absolute truths and for taking a pragmatic view of knowledge. Drawing on evolutionary biology,

Dewey argued that all knowledge is subject to revision in the light of experience. But unlike Lippmann, who saw intelligence as a kind of mastery, Dewey believed that science is democratic and provides us with the model for democratic citizenship. Science frees men and women from their childish faith in a supernatural god, providing them instead with a "common faith" that helps them to solve the problems they face in this world. And unlike Croly, who saw the nation as the highest stage of human development, Dewey's philosophy was truly cosmopolitan. Nevertheless, at the end of the day, "an arrogant utopianism haunts even this most humane and pragmatic of American philosophers" because Dewey exempted his own perspective from the criticisms he leveled at others, and did not altogether escape the desire for mastery that characterizes the modern scientific project. In short, Lippman, Croly, and Dewey all fell prey to what Taylor calls the "Emersonian legacy." Rejecting the idea of original sin as an impediment to self-actualization, they failed to recognize that there are limits to human perfectibility, limits set by history, human nature, and (in Taylor's view, especially) non-human nature.

To anyone outside the liberal fold these might seem devastating criticisms, but in the second half of the book, Taylor is at pains to show that not all Progressives suffered from the "Emersonian legacy." In her work at Hull House, Jane Addams displayed a becoming hu-

military: she refused to demonize her opponents and as a rule avoided "moral arrogance." As a pacifist, she opposed World War I, but allowed Hull House to be used as an army draft registration center. Nevertheless, the Progressive pathology occasionally crept into the soul of even this humble reformer. As Taylor ruefully notes, Addams fell back on evolution to explain why humans would eventually become pacifists.

**T**AYLOR LOOKS FAVORABLY, TOO, ON THE historian Carl Becker, who in his early writings seemed to despair that the past could teach us anything; after the Great War and in the midst of the Depression, his generation had lost all faith in moral certainty,

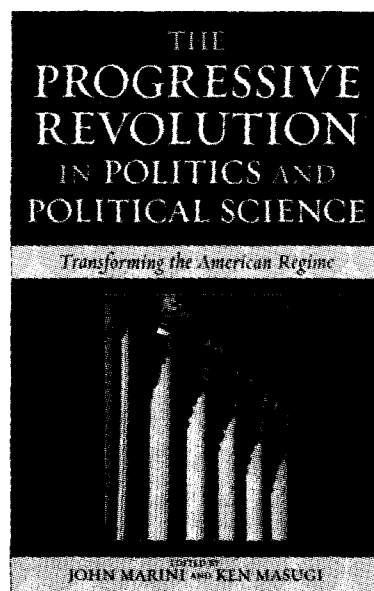
human decency, and even progress itself. But as World War II approached, he found reasons to feel less alienated from the past, and more hopeful about liberal democracy. Not about the Constitution, of course; that was outdated and had to go. But he did have second thoughts about the Declaration. Nothing so radical as affirming the truth of natural rights, which he dismissed as a "cosmological temple," but he did come to see that the "values" of the Declaration could be restated and updated. Taylor regards Becker's doubts about the truth's knowability, or even its desirability, as a kind of "moral honesty" that did not prevent him from defending his political preferences on pragmatic grounds. Still, at times, Becker, like Dewey, had a ten-

dency to equate progress with power, and to assume that scientific mastery of the world would provide meaning to life.

The book's hero is Aldo Leopold, who graduated from the Yale School of Forestry in 1909, and provides the link to "modern environmentalism, the most active and successful of contemporary progressive political movements." Leopold's *Sand County Almanac*, published posthumously in 1948, epitomizes for Taylor progressivism at its best: love of nature and humility towards it, contempt for the "modern dogma" of "comfort at any cost," appreciation of beauty, and a sense of high adventure. Instead of appealing to modern science, Leopold looked back to America's cultural inheritance, and especially to the biblical notion of stewardship. Unlike the Communist Scott Nearing (the book's villain), Leopold respected private property, and tried to inculcate in landowners the virtues and sensibility to live in harmony with nature. In a suggestive passage, Taylor allows that America's cultural inheritance may be too ambiguous and that perhaps religion or morality built on classical teleology would better foster the kind of humility Leopold sought. But this was the road not taken. Even Leopold succumbed, occasionally, to the temptations of modern science. Taylor laments that today Leopold is best known for his essay "The Land Ethic," which rests on the scientific image of land as a "biotic mechanism."

**T**HAT EACH OF THE PROGRESSIVES Taylor discusses at least flirts with modern science cannot be dismissed as a mere aberration, although Taylor pleads exactly that. What he misses is that the pragmatic, progressive politics he favors has been wedded to modern science from the start. As John Dewey pointed out in his essay "The Influence of Darwinism on Philosophy," written to commemorate the 50th anniversary of the publication of *The Origin of the Species*, evolutionary biology rendered the whole notion of fixed truths obsolete. Truth was now understood as a process, and pragmatism as a philosophy sought to build on that insight, reconceiving the world on the model of biological naturalism. Taylor is certainly right that such a worldview is unlikely to satisfy the deepest human longings. But his mixture of romantic environmentalism and postmodern pragmatism, based on a pious exhortation to "democratic doubt," is hardly the answer to our prayers.

Jean M. Yarbrough is Gary M. Pendy, Sr., Professor of Social Sciences at Bowdoin College and author of *American Virtues: Thomas Jefferson on the Character of a Free People* (University Press of Kansas).



## The Progressive Revolution in Politics and Political Science *Transforming the American Regime*

Edited by John Marini  
and Ken Masugi

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*The Progressive Revolution in Politics and Political Science* explores the scope, ambition, and effect of the Progressive revolution of a century ago, which relegated the theory and practice of the Founders to an antiquated historical phase. By contrast, our contributors see beyond the horizon of Progressivism to take account of the Founders' moral and political premises and illuminate its effects on our political science and political practice today. It is a study in political philosophy, intellectual history, and current political understanding.

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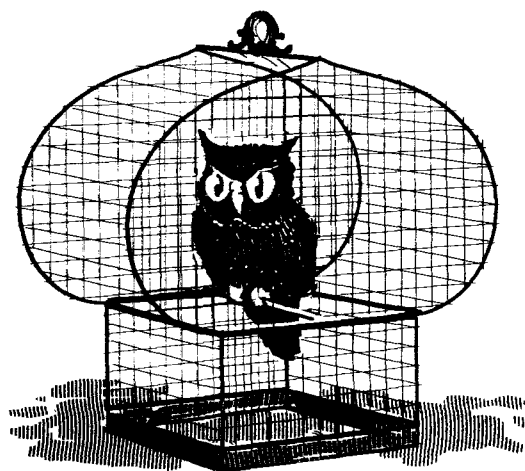
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Essay by Angelo M. Codevilla

## SOME CALL IT EMPIRE



FLEEING THE OLD WORLD AND ITS imperial quarrels, millions of people crossed the oceans to become Americans. The current eagerness in foreign-policy circles to associate empire with America thus suggests a grievous misunderstanding of either or both. Much of this talk of American empire is merely another way of condemning U.S. foreign policy, or of ruing the lack of imperial bone in America's body politic. Such talk neglects the one fact that might justify the label: the U.S. government's involvement in high-stakes, low-intensity quarrels around the globe has produced confusion between friends and enemies, peace and war—the kind of confusion that is characteristic of impotent empires.

It was clear to America's Founders that the United States would be perhaps history's greatest nation, and that as the first government explicitly grounded in natural right, it should perhaps mean more to mankind than any other. Many in the founding generation, including George Washington and Thomas Jefferson, called the U.S. an "empire," meaning a big, rich, diverse land. This commonsense meaning survives in the state of New York's self-description: "the Empire State." Jefferson, who set the pattern for America's expansion, half-jested that since new states would be admitted to the Union on the same basis as the old, and would soon outnumber the old, America would be the first empire that acquired territories not to rule them but to be ruled by them. That generation of Americans had no trouble distinguishing their enterprise from that of real emperors, like Napoleon.

Early Americans thrilled at their country's growth, and even more at being the world's only free people (the Swiss partly excepted). Their

pride increased after they had purged, in blood, the sin of slavery. As early as 1821, John Quincy Adams had dared Europeans to compare what they had given the world—sophisticated exploitation—to what America's "civilized men and Christians in a state of nature" were giving: practical farming and engineering, as well as "honest friendship," and "generous reciprocity." The century's national dream was, as John L. O'Sullivan wrote in 1841, of a cathedral with a continent for a floor, the vault of heaven as a ceiling, and a congregation of happy millions of families giving thanks for God's blessings.

For the rest of the century, Americans, generally speaking, wished the rest of the world well, demanded that it keep its troubles out of our hemisphere, and hoped that it would learn from us. By the turn of the 20th century, however, this hope led some Americans to begin to think of themselves as the world's teachers, its chosen instructors. This twist of the founders' views led to a new and enduring quarrel over American foreign policy—between those who see the forceful safeguarding of our own unique way of life as the purpose of foreign relations, and those who believe that securing the world by improving it is the test of what Larry Diamond has called "our purpose and fiber as a nation."

The current controversy over whether America was, is, or should be an empire, and of what kind, was foreshadowed by the debate between Theodore Roosevelt and Woodrow Wilson. Whereas Roosevelt reminded America that George Washington had counseled concern for our own character and interests, Wilson thought that if Americans improved the world, our character and interests would take care of themselves. This is the division that

continues to shape U.S. foreign policy today: between those who want to use America's energies, including armed force, on behalf of America's peculiar interests, and those who want to use those energies—but little if any force—to improve humanity's lot. It is a contest between hard-edged nationalism and imperialism with few if any teeth.

### The Twilight Struggle

DURING MOST OF THE HALF CENTURY following World War II, American elites divided between those who identified with the American people more and those who disliked Communism less. Today, roughly the same elites divide over whether the American people are worthy and able to decide our own interests—or whether, unworthy or constrained, we must somehow merge our destiny with the world's.

Anti-Communists had no doubt that America was good. They were proud that some of America's freedom and prosperity radiated out to places from Helsinki to Hong Kong—the "Pax Americana." The belief that anti-Communism was good for America, and for the world, brought together those whose primary concern was with what George Washington had called "our interest guided by our justice," and some of those who, following Woodrow Wilson, imagined that America had no distinct national interest. These liberal anti-Communists assumed there was no difference between the interests of Americans and those of mankind in general, and that our country's opposition to the Communists was but a particular instance of America's presumptive, and vigorous, opposition to tyrants everywhere and

always. All anti-Communists liked to “make tyranny tremble” (as the hymn “O Columbia” put it). During the Cold War it happened that those who most threatened America’s interests were Communist tyrants with global ambitions; and helping anyone against them was the essence of America’s national interest. Joint war against these tyrants, by persons unequally concerned with the national interest, obscured the fact that undoing tyranny is only incidentally in that interest.

By contrast, anti-anti-Communists thought the Soviets weren’t so bad and that Americans weren’t so good. Most of them, also following Wilson, wanted America to take an active role in the world, but they worried that the American people were not “progressive.” For example, William Appleman Williams argued in *The Tragedy of American Diplomacy* (1958) that America’s anti-Communist majority was on the wrong side in the world’s struggles. Latter-day progressives thought also that the use of force in international relations—especially American force—was illegitimate. They fretted that America’s power was too great, especially given how the American people wanted to use it.

Echoing the Soviet charge that the American people were “imperialists” and a danger to the world, a generation of American elites campaigned to save the world from America. They took power by defeating their own country in Vietnam. President Jimmy Carter’s first foreign-policy speech in 1977 celebrated a defeat that, he said, had saved America from itself. The author of Carter’s words, Anthony Lake, became national security advisor to President Clinton, and led a foreign policy that minimized the use of American power, while also putting American resources to work for progressive global forces. By then the Soviet Union, the standard-bearer of global progress for so many progressives, was dead and discredited.

By the 1990s, whether anyone liked it or not, and to the surprise of all, America was the only superpower. What should America do now, and why?

### The Triangle

THREE OPTIONS, IN PRINCIPLE, SOON presented themselves, in writings by Arthur M. Schlesinger, Jr., Joshua Muravchik, and Patrick J. Buchanan. Liberal historian Arthur M. Schlesinger, Jr., writing in *Foreign Affairs* (“Back to the Womb?” 1995) argued that the American people endanger the world by insisting on deciding for themselves how to deal with it. For Schlesinger, this “unilateralism” is the functional equivalent of “isolationism.” Only by harnessing the American horse to the world’s cart have statesmen like

#### Books discussed in this essay:

*The Tragedy of American Diplomacy*,  
by William Appleman Williams.  
W.W. Norton & Co, 334 pages, 1958

*The Imperative of American Leadership: A  
Challenge to Neo-Isolationism*,  
by Joshua Muravchik.  
AEI Press, 261 pages, 1996

*Squandered Victory: The American  
Occupation and the Bungled Effort to Bring  
Democracy to Iraq*, by Larry Diamond.  
Times Books, 384 pages, 2005

*A Republic Not an Empire:  
Reclaiming America’s Destiny*,  
by Patrick J. Buchanan.  
Regnery, 300 pages, 1999

*The Sheriff: America’s Defense of the  
New World Order*, by Colin S. Gray.  
University Press of Kentucky,  
232 pages, 2004

*American Empire: The Realities and  
Consequences of U.S. Diplomacy*,  
by Andrew Bacevich.  
Harvard, 302 pages, 2002

*America’s Inadvertent Empire*,  
by William E. Odom and Robert  
Dujarric. Yale University Press,  
304 pages, 2004

*The Savage Wars of Peace: Small Wars  
and the Rise of American Power*,  
by Max Boot. Basic Books,  
448 pages, 2002

*The Lexus and the Olive Tree:  
Understanding Globalization*, by Thomas  
Friedman. Farrar, Straus & Giroux,  
469 pages, 2000

*Colossus: The Price of America’s Empire*,  
by Niall Ferguson.  
Penguin Press, 240 pages, 2004

*The Empire Has No Clothes: U.S. Foreign  
Policy Exposed*, by Ivan Eland.  
The Independent Institute,  
250 pages, 2004

Franklin Roosevelt caused the country to do good rather than harm. In short, the world needs to be saved from an America that will not play its proper role. (Paradoxically, much of Schlesinger’s earlier public career had been devoted to restraining Americans’ eagerness to intervene against the former avatars of progress,

the Communists.) Bitterly does Schlesinger resent the American people’s coolness toward multilateral institutions that embody the progressive world-mind. He wants Americans to support the United Nations, to engage in peacekeeping missions, to increase foreign aid by vast sums, and above all to serve multilateral causes cheerfully.

Schlesinger’s point is not that America and the world would be better off if American soldiers were killing and overthrowing the world’s bad guys. Instead, he recommends that Americans expose themselves to danger as part of largely peaceful, multilateral efforts at progressive reform. A good Wilsonian, he does not believe that war is a legitimate tool of national statecraft. Some force, however, may still be needed to enforce multilateral administrative decisions.

Joshua Muravchik’s *The Imperative of American Leadership* (1996) is nearly a mirror image of Schlesinger’s argument. His point of departure is the same as Schlesinger’s: Americans are needed in the world, but would rather live their comfortable lives “than rule—or lead—others.” But note well: Muravchik, a resident scholar at the American Enterprise Institute, believes that “there is no authority higher than America.... In short, America must accept the role of world leader.” He is all for “unilateralism.” He wants us, unilaterally, to lead the world where we think best. In the course of fighting Communism, America did a lot of good. Now, more good remains to be done. Only America has what it takes to help people free themselves from the remaining bad guys. We Americans have the moral legitimacy that comes from disinterestedness, and the power; we should also have the will. As William Kristol and Robert Kagan put it in a 1996 *Foreign Affairs* article, declining responsibility for “the peace and security of the international order...becomes in practice a policy of cowardice and dishonor.”

This position amounts to the benign, temporary “imperialism” advocated by Norman Podhoretz in the pages of *Commentary* and the *Claremont Review of Books* (“Symposium: The Path to Victory,” Fall 2002). Neither Muravchik nor Podhoretz nor, for that matter, Kristol and Kagan—never mind President George W. Bush, whom they imagine their kindred soul—has addressed just how much force this transformational imperialism is to employ, against whom, for what purpose, and for how long. Decent, humane persons that they are, they hope to employ a minimum. More important, they expect that only a minimum will be necessary because, once America helps foreigners cast off their chains, they will be our eager pupils.





But what to do with recalcitrant pupils? Or with ones we may judge vengeful, misguided, corrupt, or overenthusiastic? How much less temporary, how much more forceful, must American imperialism become to avoid doing more harm than good? In the process of helping them build heaven on earth, how many do we have to send to heaven (or elsewhere)? Moreover, just how willing are these advocates of empire to oversee imperial violence? Larry Diamond, a senior fellow at the Hoover Institution, tells us in *Squandered Victory* (2005), his memoir as a consul of democracy in Baghdad, that he never ventured out of the protection of American warriors.

Whereas Muravchik, like Schlesinger, sees the American people's unwillingness to involve itself in other nations' affairs as a problem to be overcome, Patrick J. Buchanan's *A Republic, Not An Empire* (1999) sees it as the foundation of America's character and success. For Buchanan the most obvious mistakes in foreign policy are forgetting the national interest and national autonomy, as Schlesinger's internationalists do; and making commitments that one cannot, or does not intend, or does not manage to keep—the tendency of such as Muravchik. For example, in the former Yugoslavia the U.S. government, by following the Europeans' lead, hazarded American lives unnecessarily and made a bad situation worse. Similarly, the assertion that peace and liberty everywhere are our vital interest leads to more wars than necessary, and unbalances ends and means. Hence our commitments, e.g., to the territorial integrity of Poland and the Baltic states, which the U.S. government has no capacity or intention of keeping, are blusters to be followed by betrayals. This serves neither America nor mankind.

Buchanan's book is a review of American diplomatic history, showing that the American people back up only commitments that make sense to them, and that their sense is pretty good. His reflexive economic protectionism has been edited out of his praise for 18th- and 19th-century American diplomacy. This is just as well, since the founders he reveres most were in fact free-traders rather than protectionists (and then only for national security purposes). And Buchanan's hostility to Israel, for which he is well known, is here assimilated to a general condemnation of any foreign policy beholden to ethnic interest groups. But Buchanan's antipathy toward Israel clashes with traditional American statecraft, since few things are clearer than the natural tendency of Bible-reading Americans, from John Winthrop to Ronald Reagan, to identify with Israel. Buchanan does not see why that makes us, as much as Israel, a target for Islamic radi-

cals. Hence in practice he does not favor war against this set of America's enemies.

In principle, however, Buchanan neither favors nor opposes any given international undertaking. He merely insists on measuring each against real needs, and against the forces available in any given circumstance. By that measure the only difference between Schlesinger's and Muravchik's approaches to American foreign affairs is whether the U.S. government serves the empire or runs it.

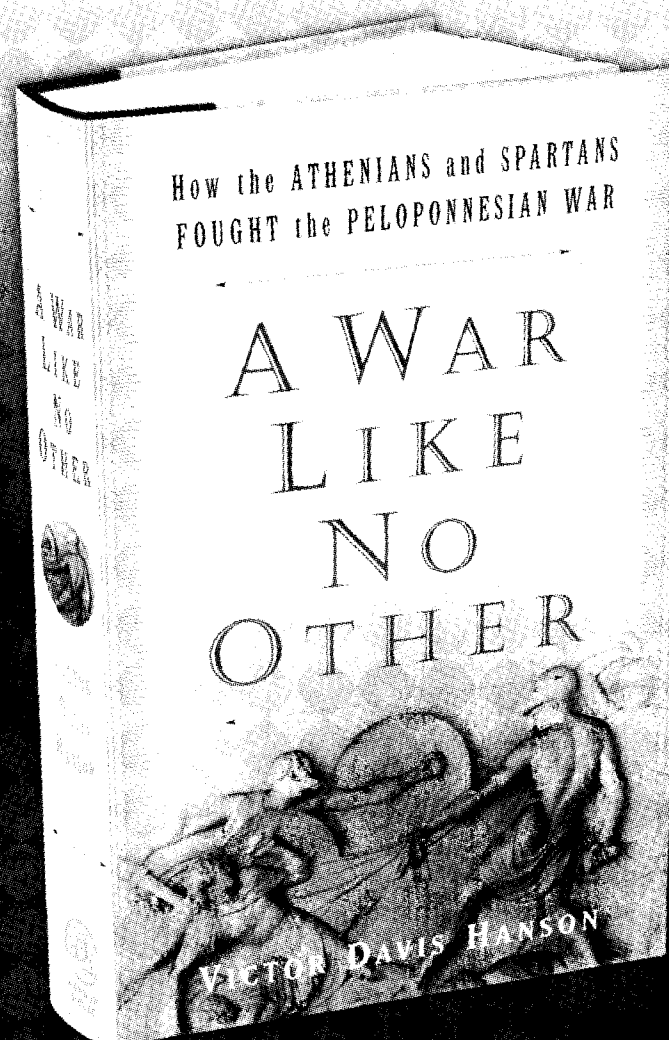
The issues should now be clear: Should Americans use force to defend concrete interests, or to improve foreign peoples? What warrant is there for Americans to design and implement—not merely to prefer—a grand design for the world? Whence comes America's unique strength, and for what is America fit? Official explanations have been muddled.

## New World Order

IN JANUARY 1992, THE DEFENSE DEPARTMENT proposed making America unchallengeable militarily, while persuading other nations that "they need not aspire to a greater role or pursue a more aggressive posture to protect their legitimate interests." But President George H.W. Bush rejected such muscular nationalism. He would foster "a new world order" in which the U.S. would take its part, alongside the Soviet Union, the U.N., and "the allies." The Bush team fought the 1990 Gulf War and lived its aftermath according to this vision. In deference to the Arab world and the U.N., it spared Iraq's Ba'athist regime, fostered a ruinous "peace process" in Israel, sold Lebanon to Syria—cheap—and made matters worse in Africa by intervening multilaterally with token

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force. Just as President Clinton would do later in Bosnia and the Middle East, the goals were worked out between U.S. and foreign officials; the legitimacy stemmed from a combination of the U.N. and "the allies"; and the money plus halfhearted force came from America. The U.S. did not impose itself. Events did the imposing.

When the second Bush Administration came to office, its rhetoric on foreign affairs reflected the Defense Department's view. But in fact that view did not get a chance to affect policy until September 11, 2001, and afterwards did so only intermittently. The 2004 presidential campaign seemed to sharpen and renew the choice about America's international role: the Democrats accused George W. Bush and the Republicans of seeking America's national interest without due regard for "the allies," the U.N., and "the world," and urged that America harmonize its interests with mankind's. Thus thrown politically into the proverbial briar patch, the Republican campaign gloried in the unilateral, military defense of American interests. President Bush stated, and repeated in his Second Inaugural Address, that American power would reach unilaterally into foreign countries for their own good, as well as America's. But this, and his statement that America can remain free only if the rest of the world becomes free, straddled the basic issues presented by Schlesinger, Muravchik, and Buchanan.

Since 9/11, however, several eminent authors have advanced instructive positions on these issues.

### The Sheriff

IN HIS 2004 BOOK, *THE SHERIFF* (SEE Mackubin Thomas Owens, "Have Gun, Will Travel," CRB, Fall 2004), Colin Gray argues that the world needs a sheriff, and that the U.S. had better be it. Gray, a professor of international politics and strategic studies at the University of Reading, England, endorses the historian Donald Kagan's judgment that everyone tends to be better off when the world's tone and agenda are set by one or more states "that wish to preserve the peace," rather than by a balance between predatory powers.

Today's world is lucky that the U.S. is the only superpower and that it has no predatory instincts. Since peaceful order is preferable to the opposite, and since any number of lesser powers may choose to disrupt that order, all states may benefit if non-predatory America quashes the disrupters. It cannot quash all disrupters all the time, and trying to do so would likely be more disruptive than any disruption. Ideally, the sheriff nation should consult with other governments enough to give them the

sense that it is acting on their behalf as well as its own. Choosing when to act on the world's behalf, and doing so in a manner that does not make matters worse, is tricky business.

Whereas Boston University professor of international relations Andrew Bacevich (*American Empire*, 2002) calls this business "empire" and contends that American policymakers have entered local quarrels intending explicitly to create an "American imperium," Gray thinks this "overstated," that the U.S. has not defined a role for itself, and that the role it should play is better described by the Anglo-Saxon "sheriff" than by the Latin "emperor."

By far the trickiest part of sherifing is learning precisely how to do it without animating the cycles of opposition and reprisal that haunt empires. Two parties to a dispute may come to object to the best possible resolution simply because it is imposed, suggested, or even favored by the U.S. And the U.S. itself may come to be hated not so much because one party or another in a dispute has been hurt by its intervention, but because all may blame it for not having realized their dreams. Such was the world's reaction to Woodrow Wilson in 1919. Gray has no doubt that anti-U.S. terrorism is a price that Americans pay for their involvement in the Middle East. He calls for very wise sheriffs.

The paramount difficulty, however, is making the sheriff's role actually benefit the American people. "The actions of this American Sheriff of order are guided frankly by a national interest discriminator," Gray writes. "If the United States does not serve itself through its peacemaking behavior its career as Sheriff will be brief indeed." True.

The reader concludes, then, that requiring the sheriff to make fewer troubles than he fixes, while unambiguously serving his own interest, well nigh wipes out the presumption in favor of American action abroad. What remains—interventions that pursue concrete interests worth more than the cost of pursuing them—is the stuff of traditional, 19th-century American statesmanship. (To be sure, this is not to be confused with modern "realism," on which more below.)

### Inadvertent Power

GRAY AND OTHERS POINT OUT WHAT is obvious to all: America in the 21st century must rub up against the rest of the world far more than it did in the 19th. Hence a greater scope of action would seem inevitable. William Odom and Robert Dujarric call this *America's Inadvertent Empire* (2004; see Carnes Lord, "Dreams of Empire," CRB, Fall 2004).

"Structurally and qualitatively it differs fundamentally from all past empires," they argue. "Using the terms imperial and empire risks confusion because these words convey notions of hierarchy and power, subordination, and dominance that are either missing from the American empire or only loosely institutionalized." Contrary to real empires, this one does not extract wealth but fosters it, and attracts peoples to join it, not fight it.

Why, then, use the word "empire" with the conspiratorial connotations Bacevich implies? The answer seems to be that the authors wish to instruct U.S. policymakers in the tasks that "a liberal empire must accomplish." These tasks involve "imperial garrisoning," without any "time clock" or definition of victory. (This is similar to the American imperial service that Max Boot proposes in *The Savage Wars of Peace*, 2002; see Patrick J. Garrity, "Small Wars, Big Deal," CRB, Fall 2002.) And in fact many U.S. officials like to think of themselves as the world's most important people.

Odom (formerly Zbigniew Brzezinski's right-hand man on the Carter Administration's National Security Council staff) and Dujarric (a senior associate with the National Institute for Public Policy) spend much of their book showing that the U.S. is indeed more powerful militarily, more vigorous demographically, more productive economically, more creative intellectually, and more pervasive culturally than any other nation. These discussions' quantitative nature seem to support the authors' assertion that any country of similar dimensions, "a united Europe, for example, might be able to lead" the world as well as the U.S. But the entire book argues against that—as does common sense.

What makes America so different from the West, never mind the rest, and how do these differences shape America's international role? The key, says the book, is "American institutions." "[P]atterns, rules and practices most often manifested in organizations—political, social, and economic...they also include ideologies, which are made up of beliefs—religious, moral and cultural—that individuals use to explain and rationalize the world around them." Such language is tone-deaf to the experiences of real Americans. For example, the book's exposition of U.S. military power makes no attempt to explain why 21st-century Americans, virtually alone among modern peoples, are willing to give their lives for a just cause. Nor is there any account of the fact that Americans are the modern world's most religious people—not to mention that its armed forces and their supporters are the most religious sectors of the population. Might this have something to do with American power?





The book grasps at least one aspect of America's uniqueness: liberalism in its original sense. It stems from medieval feudalism: the absence of "such things as independent public rights," coupled with the absolute importance of religious conscience. This is what America's revolutionaries were defending against Britain's modern statism. Liberalism, which is often confused with democracy, is responsible for America's character and for the character of its great influence. Because Americans believe that "all men are created equal," the American empire cannot be compulsive. It must be one of attraction.

And it is. The U.S. economy has the lowest transaction costs. Military relations with the U.S. protect rather than offend, etc. Others want in. But the book's partial understanding of liberalism obscures other factors. The Establishment view of things, reflected in such books as Thomas Friedman's *The Lexus and the Olive Tree* (2000), is that the attractiveness of the modern world economy, fostered by American liberalism, eventually must overcome parochial quarrels. But that is not happening.

Surprisingly, most of Odom and Dujarric's recommendations for policymakers are decidedly non-imperial: above all, maintain American institutions and guard them with military power. They advise us to "cultivate liberal institutions" as the basis for international relations. And because liberalism, not democracy, is the key to all good things, merely spreading democracy is a bad idea. Buchanan would not disagree. But the authors argue that the U.S. government should allow "mature constitutional states" to influence U.S. policy because these are "full stakeholders in the empire"—though the authors say in the same breath, don't let them influence our policy to the extent of endangering the American patriotism at the empire's core. How much one can dilute the American people's freedom without destroying their patriotism, Odom and Dujarric do not disclose. Knowing where that patriotism comes from would help.

In principle, their recommendations, like Gray's, are positioned in the triangle between Schlesinger, Muravchik, and Buchanan. The practical thrust of Gray's book as well as Odom and Dujarric's is the same: balance America's core interests with those of the countries with which it has the most interaction.

### The Colossus

BY CONTRAST, HISTORIAN NIALL FERGUSON, a British subject, is unambiguous in *Colossus* (2004; see Carnes Lord, "Dreams of Empire," CRB, Fall 2004): America is an empire regardless of what anyone, especially Americans, might think. Because Amer-

ica bestrides the world like a colossus, "empire it is, in all but name." "Emperors call themselves what they like, and so do empires." For Ferguson, all human activity has the same objective purpose: domination. The rest is what Marx called "superstructural"—the subjective rationalization of objective fact. This Marxist imposition of preconceived categories onto historical events passes for sophistication, and is the essence of modern "realism" in international relations.

In between much filler, the book combines the three classic tenets of European anti-Americanism: (1) Americans have always exacerbated their imperial grasping by their hypocrisy; (2) Americans are insufficiently experienced in hypocrisy and must learn it from the masters; and (3) Americans are both stupid and on the wrong side of things, and deserve the troubles they bring on themselves. These points were as familiar to John Quincy Adams as to readers of 20th-century Communist propaganda or today's European media.

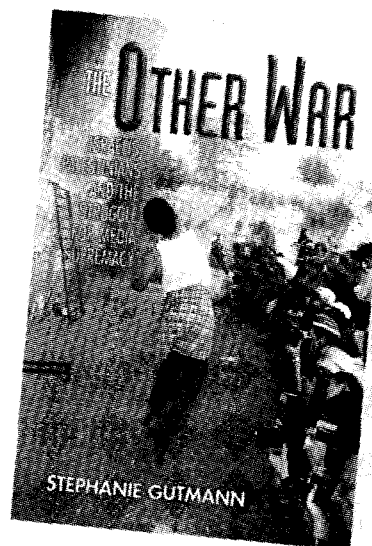
Ferguson's sneering condescension is mitigated by his ignorance. For instance, he claims that "there were no more self-confident imperialists than the Founding Fathers themselves," and that Woodrow Wilson renounced imperialism. In fact, the maxim of America's statesmen until Wilson was political non-involvement with oth-

ers unless absolutely necessary—and certainly not in their internal affairs. Wilson called for abandoning this "isolationism," urging reluctant Americans to fix the world's troubles. Describing U.S. policy in Germany and Japan after World War II, Ferguson writes, "For an empire in denial there really is only one way to act imperially with a good conscience, and that is to combat someone else's imperialism." This is nothing but puerile Marxist psychoanalysis.

Ferguson even manages to blame the United States for terrorism. You see, the U.S. helped "Israel establish military superiority over the Arab counties, forcing the Palestinians to resort to terrorism...." (Emphasis added.) Ferguson denies any relationship between Iraq and al-Qaeda. To prove this, he quotes from Osama bin Laden's justification for jihad against America. But he does not notice that while bin Laden's *fatwa* names America once, it mentions Iraq three times. Ultimately, Ferguson advises America to imitate Britain with regard to Iraq: declare withdrawal 66 times and then stay for 72 years. Why can't the Americans do empire with style—the way the British did, he laments—and without all this nonsense about right and wrong?

Ferguson likes imperialism but not imperial America because he detests America's culture, which he calls a "novel Protestant-Deist-Catholic-Jewish fusion." It does not occur to him that

## MIDEAST MEDIA CONFLICT



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In *The Other War*, Stephanie Gutmann documents how political and military realities in the Mideast are defined by a constantly shifting cast of international journalists on the prowl for "good pictures" or career-making scoops, and often guided by a hardened anti-Israel ideology. Present at a time of suicide bombings and armed response, Gutmann describes how the region and its people—Israeli and Palestinian alike—became cardboard cutouts in dramas predetermined by ratings-obsessed and sometimes biased editors continents away.

Gutmann introduces us to key players in the daily battles for headline supremacy: the mercenary freelance photographers who hawk their bloodiest pictures to the highest bidder; the

politically correct TV "parachuters" who drop in on the unfolding Mideast tragedy to get "face time" before flying off to the next international hotspot; the Palestinian Authority spinmeisters; the beleaguered Israeli press officers trying to present their side of a complex story.

Traveling into the disputed territories herself, Gutmann reconstructs the battle for Jenin, the death of the teenage martyr Mohammed al-Dura, and other events that became key battles in the other war. We learn many things from her absorbing insider's account, chief among them that there is a reality in this region never touched by the international media corps, and that as in other wars, truth in this one is the first casualty.



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without this culture there would be no American power to speak of.

### Naked Ambition

**L**IBERTARIANS ARE PART OF THE NOBLE American tradition that sees government power as a threat to individuals. America's Founders had to reconcile their own distrust of "standing armies" with the necessity of having them—and especially a navy—to be respected by foreign nations. Statesmen in this tradition welcomed American expansion only so far as it had no ill effects on liberty. Thus Thomas Jefferson and James Madison designed the Northwest Ordinance to ordain equality between old states and new; and Henry Clay, Daniel Webster, and Abraham Lincoln sought to condition the admission of new states on the containment of slavery. A half century later, even Theodore Roosevelt and Henry Cabot Lodge, who had advocated a bit of benign imperialism themselves,

returned quickly to the American mainstream: American power is for keeping foreign influence at bay—not for wantonly exercising American influence around the world.

Independent Institute senior fellow Ivan Eland takes this tradition to such an extreme in *The Empire Has No Clothes* (2004) that these American statesmen would not recognize it. According to Eland, the U.S. has not had, and does not have, very much legitimate need for military force. Unlike other libertarian anti-Communists, he claims that "both the United States and the Soviet Union [he puts them on the same level] used the exaggerated threat from the other side as an excuse for their forward deployed empires." He sees America's foreign relations in the 20th century as a series of subterfuges that were little more than excuses for empire-building.

On the basis of shaky conspiratorial assumptions, he makes the standard, solid American arguments against imperialism. We have neither

the right nor the power to make the world over in our image. Trying to defend everything leads to defending nothing. Spreading power abroad diminishes its sources at home. While we need to safeguard the world's key regions from being overrun by hegemony who would threaten us, we should do this from offshore, and not by involving ourselves in local quarrels. Involvement in foreign quarrels means augmenting our own. And though we must surely have enough armed force to discourage or avenge attacks on our own citizens, we must also, as Theodore Roosevelt advised, not provoke such attacks by speaking too loudly. More executive power means fewer liberties. All true.

But then Eland goes on to blame American imperialism, and especially America's friendship with Israel, for the fact that Arabs kill Americans. In fact, his answer for every actual or possible controversy with foreigners is to blame America, and then advise us to give in. In practice, there are no interests to defend, and America never has justice on its side—only a gross and illegitimate hunger for empire.

And yet Eland's book is the only one discussed here that touches, however maladroitly, on the most essential question, the one that occupied Thucydides and Livy, and that absorbed the American Founders: at what point, and in what ways, does a great republic ruin itself through foreign ventures?

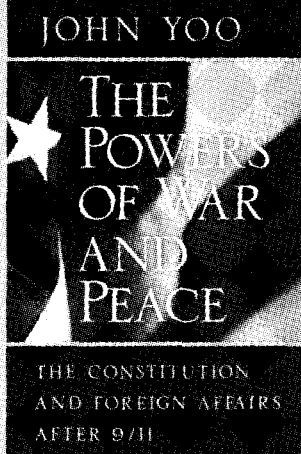
### War and Peace

**T**HE UNITED STATES GOVERNMENT'S massive, intrusive, and complex presence in the four corners of the globe cannot be denied. The U.S. directs major military operations in Afghanistan and Iraq. But these do not fit dictionary definitions of war. U.S. military and civilian personnel advise governments in Colombia and in many other places engaged in civil war. American diplomacy is the hinge of deadly struggles in Israel and Taiwan. In parts of the world where there is no shooting, the U.S. government is involved—if only verbally—in local controversies of deadly importance. Nevertheless, though it is really at peace with few, nowhere does the U.S. government wage real war. This of course is what so often happens to imperial powers: because they seek to dominate rather than eliminate enemies, they seldom wage real wars. Nor can they ever really be at peace with those they are trying to manage. Is America somehow trapped in an imperial role?

All agree that the American people want no part of empire. But great power (so goes the near-consensus) requires exercising imperial responsibility. If the great power shuns responsibility (for sherifing, for doing good, for spreading liberal institutions) the world will slide into

# On the ISSUES

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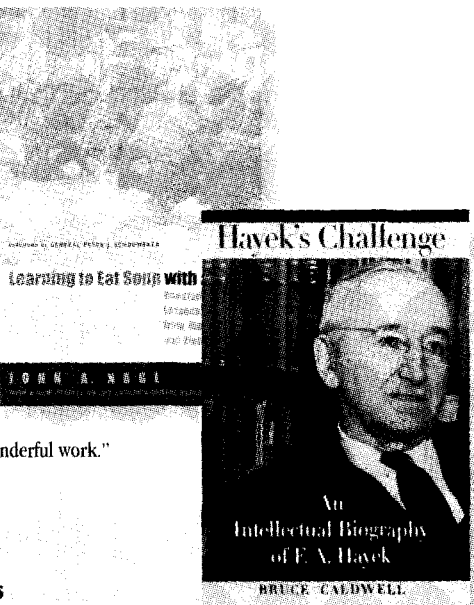


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war, and the great power will lose the peace.

This makes no sense. In fact, so-called imperial America does not peacefully enjoy its core interests, never mind the peaceful control of an empire, for the simple reason that it is not making war in order to establish peace, anywhere. The main question underlying the current, surreal discussions of American empire is whether Americans should or should not get involved in quarrels that they are unwilling, or unable, to end with peace secured by war.

Power is not to be confused with empire, and empire is not to be confused with either war or peace. None of the above is to be confused with success. Not all great powers, or even imperial powers, confuse war and peace. The Roman republicans who built the great empire, Livy tells us, made their wars "big and short." Then they had peace as they wanted. Dead enemies are the firm foundations of peace.

The sharp distinction between peace and war is peculiar, indeed—to successful powers. It is the essence of statesmanship. It certainly was characteristic of American statesmanship during the 18th and 19th centuries. George Washington's maxims, at once to "observe good faith and justice toward all nations," to "cultivate peace and harmony with all," and to "prepare for war" in order to earn peace, were hardly original. By contrast, the progressive notion (endorsed by Elihu Root, Nicholas Murray Butler, David Starr Jordan, and Woodrow Wilson, among others) that war could be abolished by reforming foreign governments and by collectively guarding the peace was very original. Wilson argued that reform and guardianship would eliminate the need for force amounting to war. He promised disarmament. His opponents countered that widespread meddling and commitments guaranteed war, and that disarmament guaranteed defeat. "Speak softly and carry a big stick," called the Rooseveltians. But Wilsonians abjured sticks, and spoke loudly. Traditional statesmanship won the 1920 elections. Confusion between war, peace, and "involvement" won the hearts and minds of American elites for three generations. America has had little peace since.

## Friends and Enemies

**D**URING THE COLD WAR, IT BECAME conventional wisdom that trying to win this "twilight struggle" would be foolish, not to mention vulgar. War and peace belonged to a simpler age. "Crisis management" replaced strategy. Old-fashioned attention to the relationship between ends and means had to be discarded. Inconclusiveness would be a permanent feature of the modern world, as would the Soviet Union.

No surprise then that throughout the Cold War the U.S. government's many parts undertook disparate, often overlapping, sometimes contradictory ventures in the four corners of the earth. Each part had different ideas about who were America's true friends and its true enemies, as well as different agendas often based on different views of America itself. As in China between 1946 and 1949—as in 1960s Vietnam—the different U.S. agendas clashed, whipsawing local clients. General George C. Marshall's attempt to save China failed because he could not reconcile State, CIA, the Army, and various American politicians. Recall that while William Colby's CIA supported Vietnam's Diem regime, the State Department overthrew it. In Iraq, too, the struggles between Americans may prove more significant than any between us and our foreign enemies.

Few remember that George Washington issued such strict guidelines for the conduct of foreign affairs because his America had almost torn itself apart over virulent antipathies against France or Britain. Domestic partisanship had fed on foreign quarrels. It would be remarkable, indeed, if today our inherent divisions did not feed on our many prolonged, inconclusive involvements in bloody foreign quarrels.

Today, the not-so-new, sophisticated elite consensus appears to be that our many prolonged, inconclusive involvements are a permanent feature of America's life in the modern world. Some call it empire. But if it is an empire, it is so only by adding together adventures that have no common theme, and whose purposes the various imperialists involved do not share, either

in general or in specific instances. In fact, each involvement abroad becomes one more occasion for exacerbating conflicts among Americans.

President Bush's reaction to the events of September 11 further muddied America's understanding of our relationship with the world. He could have addressed the fact that Arabs had struck America on behalf of causes espoused, and embodied, by a number of Arab regimes. He could have declared that in doing so these regimes had put themselves in a state of war with the American people—and he could have proceeded to undo our foes, regime by regime. That war would have left many enemies dead and many potential ones eager to avoid the experience. That, and that alone, is true peace.

Instead, President Bush deferred to parts of what some might call the U.S. government's "imperial infrastructure," the State Department and CIA, which have long-standing stakes in many Arab regimes, e.g., Syria, Saudi Arabia, and the Palestinian Authority. He absolved the regimes of responsibility, and proclaimed war on an abstract noun, "terrorism," to achieve some indeterminate global effect. In pursuit of this so-called war, he has raised America's rhetoric, profile, and presence around the world, harming many who do not count and killing few who do. Occupations are not wars. Criminal investigations are not wars. Democracy-building and nation-building campaigns are not wars. Unlike wars, they do not produce victory, nor its offspring, peace.

The United States is not at peace, and it is not making war. To this extent alone the accusation of empire—the dawdling kind that wastes its core resources—sticks. If we continue to trifle with empire rather than establishing peace, we shall reap stalemate, retreat, and the domestic strife that is empire's bitterest consequence.

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## THE UNLOVABLE MR. ADAMS

*John Adams: Party of One*, by James Grant.  
Farrar, Straus and Giroux, 530 pages, \$30

IT IS EXTREMELY DIFFICULT TO IMAGINE anyone really liking John Adams. It is quite difficult to imagine not admiring the man. In bringing about America's independence, especially after the convening of the Continental Congress, no one was more instrumental than John Adams. It was he who nominated and saw to the election of George Washington as commander-in-chief. He also was instrumental in the creation of the United States Navy. Subsequently, Adams contributed vitally as a diplomat, serving on the commission that negotiated the Treaty of Paris, which recognized independence, and later serving as the first American minister to the Court of Saint James.

In addition to his public services, Adams was almost unparalleled as a student of history and political philosophy, and no one contributed more to establishing the principle that checks and balances are crucial to the preservation of liberty in a republican form of government. His voluminous writings on the subject, most notably his *Defence of the Constitutions of Government of the United States of America* (the first volume of which was available to the framers of the Constitution in Philadelphia in 1787) and his later *Discourses on Davila*, were of significant influence. He also authored the Massachusetts constitution of 1780, which was the nearest thing the framers had to a model.

In most respects Adams's thinking about history and political theory was compatible with the thought of such contemporaries as James Madison, Thomas Jefferson, and Alexander Hamilton, albeit considerably deeper; but in one important particular Adams added a dimension that they lacked. The prevailing notion about the nature of man and society was that men were ruled by their passions, meaning drives for self-gratification. Eighteenth-century theory postulated that everyone tended to have a "ruling passion" that ultimately overrode the rest, and that for men in public life the most common ruling passions were ambition and avarice, the love of power and the love of money. From that assumption it followed that, in devising political arrangements, statesmen should, as Madison wrote in *Federalist* 51, see to it that "[a]mbition must be made to counteract ambition. The interest of the man must be connected

with the constitutional rights of the place."

But Adams went beyond this conventional wisdom. Drawing upon Adam Smith's *Theory of Moral Sentiments*—but also echoing some-



thing he knew from the workings of his own psyche—Adams added that in addition to the passions, and perhaps even more powerfully, men were driven by a "universal striving for 'the attention, consideration, and congratulations of mankind.'" In other words, one did what seemed necessary to win the approval of those persons whom one regarded as one's peers. In its actual operations, that consideration proved crucial in guiding the unfolding of the American constitutional order.

But his signal contributions were insufficient to overcome the personal traits that made it virtually impossible to regard him as lovable. Adams was irascible, pigheaded, self-righteous, bigoted, envious, rigid, egotistical, and self-pitying. He was wont to bore people with complaints of various forms of physical malaise; modern scholars have diagnosed these as symptoms of hyperthyroidism, or Graves' disease; the symptoms include "heart palpitations, shortness of breath, eye inflammation, depression, irritability, paranoia, insomnia, muscle weakness, and extreme sensitivity to heat." Benjamin Franklin described Adams as being crazy some of the time; others, including Harrison Gray Otis, less generously thought him insane all the time. For

these and other reasons, though I have known many students of history who admire Adams, I have never over the years encountered anyone who actually liked him.

UNTIL NOW: JAMES GRANT OBVIOUSLY does. Grant is the full-time editor of *Grant's Interest Rate Observer* and author of four major books on American financial history, pursuits that leave him little time for studying so unrelated a subject as John Adams. That difficulty is compounded by the enormous volume of primary sources that Adams left behind. And if these were not formidable enough to deter a less driven student, there is the fact that David McCullough has already published an Adams biography that was a prize-winning blockbuster, selling a stupefying 1.6 million copies. If Grant's work is not a labor of love, I do not know what it would take to qualify as such.

The result is excellent. Grant paints Adamswarts and all (the only wart he leaves out, as far as I can judge, is that Adams was a heavy tippler; two of his sons, Charles and Thomas Boylston, were hopeless alcoholics, and John Quincy was also fond of the sauce.) Even so, on each of the many occasions when Adams clashed with a major figure, Grant somehow concludes that Adams was in the right, as a biographer properly should. This story, as Grant tells it, is a fascinating one.

For instance, among Adams's accomplishments in Europe, one of the most important has been largely overlooked by historians. By the time he went abroad, the Congress had long since tottered on the brink of bankruptcy, for it had no power to tax. At first, Congress financed the war by issuing unsecured paper money, but after a year or two the paper began to depreciate. Ultimately it was devalued at a rate of forty to one, and then fell to nothing. Next, Congress sold bonds called loan office certificates, but they were soon valueless as well. For another year, the states picked up the tab before they too exhausted their resources. Loans from France, combined with some financial wizardry by Superintendent of Finance Robert Morris, saw the cause through to victory at Yorktown, but an additional source of funding was crucially necessary.





That is where Adams came in, for he saw that the only remaining hope lay in the possibility of floating new loans from financial men in Holland, who were then the bankers to the world. Personally, Adams hated debt, both private and public, but hat in hand he went to Holland to see what he could do. It grieved him, he said, "as it always brings home to my heart the reflection that I am burdening the industry and labor of my fellow-citizens and countrymen with a heavy load; and when demands are laid before me for millions of livres, for interest already due, I cannot help wishing that I might never have occasion to sign another obligation." Nonetheless, he did it: he negotiated a sizable Dutch loan early in 1782 and another in 1784, and those kept the infant republic afloat a while longer.

**G**RANT DOES HAVE A BIT OF TROUBLE handling Adams's higher-toned notions about government after his experiences in Europe. Grant insists, probably accurately, that Adams never became an advocate of hereditary aristocracy and hereditary monarchy, but Adams did say to Jefferson that if the British constitution, hereditary aristocracy and monarchy included, were purged of its corruption it would be the best form of government ever devised. Then, too, there is the matter of the debate in the Senate—which Adams participated in as

well as presided over—wherein the vice president insisted that some exalted title should be bestowed upon the presidency lest it not be regarded as sufficiently dignified. The debate went on for days and grew positively silly. To Grant's credit, he admits that the debate cost Adams's prestige a good deal and made him appear rather a fool. Grant also quotes Senator Ralph Izard of South Carolina, who sneeringly described the obese vice president as "His Rotundity."

A few errors arise when Grant accepts Adams's understanding of events or circumstances even though they are not borne out by the facts. Consider the presidential election of 1796, for example. As the Constitution stood at the time, presidential electors voted for two candidates; whoever got the most votes (if a majority) became president, he who got the second most became vice president. The Federalists agreed to support Adams for the top position and Thomas Pinckney for the second. Adams, however, came to believe that Hamilton conspired to induce a few Federalist electors to vote for Pinckney but not Adams, thus making the South Carolinian president and keeping Adams in the vice presidency. Grant accepts Adams's understanding as the truth, though Hamilton engaged in no such plot. (He did so conspire in 1800, but that is another story.)

And at least one error stems from a misunderstanding that has been repeated by several

historians but is not justified by the historical record. In the elections of 1800, the electors in New York (as in most states) were chosen by the state legislature. Aaron Burr persuaded a number of big-name political figures including former governor George Clinton and former general Horatio Gates to run for legislative seats—even though they had no intention of actually serving in the legislature—and as a result Republicans gained control of the body and thereby the state's electoral votes. Hamilton asked Governor John Jay to call a special session of the outgoing Federalist-dominated legislature to change the law, not to thwart the will of the people by allowing the lame ducks to choose the presidential electors themselves (as Grant's and conventional accounts tell us), but to make the choices result from direct democratic elections.

But these are minor quibbles. Grant has provided us with a valuable and highly readable biography. If I come away from it still not especially fond of John Adams, the fault lies not with Grant. He has done what a biographer should do: he has given us a richer understanding of the man.

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Book Review by Michael Knox Beran

## DISCREET REVOLUTIONARY

*John Jay: Founding Father*, by Walter Stahr.  
Hambledon and London, 496 pages, \$29.95

ON PAPER JOHN JAY WAS THE MAN: Revolutionary spymaster, Chief Justice of New York, President of the Continental Congress, negotiator of the treaty that ended the War for Independence, Secretary for Foreign Affairs under the Confederation, author of five *Federalist* papers, Chief Justice of the United States, and Governor of New York. Yet Jay is today "largely forgotten," writes Walter Stahr in *John Jay: Founding Father*, the first life of the statesman in more than three decades.

This obscurity is at first sight puzzling, for Jay is in some ways nearer to us than Washington, Jefferson, or Hamilton. The Virginia presidents belonged to a slave-owning squirearchy that began to decline while Jefferson himself was still living. The class is now as extinct as the Prussian Junkers. Hamilton, the Überhero of the early republic, embodied a type that never caught on in the United States. The qualities that made him a great statesman—his candor, his abhorrence of platitudes, his odor of hubris—made him a poor politician, and no man bent on rising high in American public life would care to emulate him very closely.

Jay, by contrast, emerged from the class of New York civic leaders—lawyers, bankers, jurists—that until recently exercised a considerable influence in the national government, particularly in foreign policy and the intelligence-gathering services. Jay was the spiritual father of a line of New York eminences, more sober than Hamilton in style and less flamboyant in personal ambition, yet with an impressive tradition of service to the republic. Chancellor Kent, John Henry Hobart, Elihu Root, Henry L. Stimson, Charles Evans Hughes, Pierre Jay, W. Averell Harriman, John Jay McCloy, Frank Lyon Polk, the brothers Dulles, and the cousins Hand are some of the notable figures whose careers owe something to Jay's example and inspiration. The patriarch of the Wise Men ought to be a more arresting figure than Jay has proved to be. Why, Stahr asks, has this accomplished man been denied a place among the Republic's fathers?

Stahr, a lawyer, suggests that Jay's conservatism is partly responsible for his eclipse. Jay was "a reluctant democrat: he believed that elections were the best way to select leaders, but he also

believed that the people would often choose poor leaders, and he deplored the popular democracy which emerged during the early nineteenth century." The difficulty with this argument is that it applies equally to Hamilton, who had just as little faith in the people. Yet Hamilton's contempt for demotic forms and his avowed preference for the English constitution have never entirely dimmed his flame. He has continued to be a central figure in the nation's historical imagination, indispensable to the mythmakers. This was true even during the New Deal, when Franklin Roosevelt and Claude Bowers labored to restore the cult of his rival Jefferson. To some New Dealers Hamilton was a capitalist villain, the first of the "economic royalists," while to other Progressives he was an inspiration, the original impresario of Big Government.

NO, TO UNDERSTAND WHY JAY HAS been denied admission to the pantheon, we must look not to his conservatism, but to the qualities of the mercantile aristocracy that spawned him. The great families of old New York, Edith Wharton wrote, belonged to a "prosperous class of merchants, bankers, and lawyers." Collectively they formed a "little aristocratic nucleus." It was the class, sober in comportment and for the most part Anglican in devotional practice, to which Jay belonged. His paternal grandfather was a Huguenot merchant who prospered in Anglo-Dutch New York, and Jay himself was related by blood or marriage to the leading families of the city's merchant patriciate.

It was the mixed fortune of this merchant aristocracy to have come of age in an era of revolution, in a republic that rapidly became a democracy. Unlike many in his circle who remained loyal to George III, Jay embraced the cause of American independence, but after the British were expelled he became "uneasy and apprehensive" about the direction of American affairs. The "spirit of licentiousness," he said, "appears more formidable than some at first apprehended." Such sentiments were characteristic of the Federalists generally, but in New York they acquired a different complexion. "Shall we have a King?" he asked in a 1787 letter to Washington. "Not in my opinion while other

Expedients remain untried." But if conditions continued to deteriorate, he warned Jefferson, "the more sober part of the people may even think of a king."

The "more sober part of the people" is a euphemism for Jay's own class. Sometimes he called them "the better sort" of people. When the cloth was removed and Jay could be candid, he spoke of them as the "people who own the country." He looked after their interests. "Our Government," he told Washington, "should in some Degree be suited to our Manners and Circumstances, and They you know are not strictly democratical." Indeed we do know: no republic, no democracy, has yet existed without an upper crust—a primeval nobility, as in Athens, or senatorial and equestrian orders, as in Rome. Stahr, in his otherwise admirable book, passes too lightly over the predicament of his protagonist, that of the aristocratic man in a "democratical" country. Too many Americans, Jay said, loved "pure democracy too dearly; they seem not to consider that pure democracy, like pure rum, easily produces intoxication, and with it a thousand mad pranks and fooleries." As a precautionary measure Jay developed techniques and habits of conduct which, when they came to be adopted more generally by the "better sort" of people, enabled them to prosper, even under an egalitarian regime. Jay developed the defensive armor—the protective coloration—that enabled his species to perpetuate its kind amid the unruly fauna of a modern democracy.

It is not so dramatic a tale of the patrician-in-crisis as *Coriolanus*. Jay was as little disposed as the Roman to "stand naked" before the people, but Coriolanus belonged to a martial aristocracy, and he defended his prerogatives with the weapons of a warrior caste. Jay, the scion of merchant princes, chose different instruments. The cardinal article of his code was discretion; the wit and aristocratic exuberance of Gouverneur Morris were foreign to his nature. He was cautious, reserved, and austere of manner. He once ventured, in a draft of a letter to Washington, to make a joke, but thought better of it and struck the passage.

Like later New York mandarins, Jay excelled in occupations in which the sober virtues trade at a premium. When the British



descended on New York he was appointed to the state's conspiracies committee. The retiring patrician became a skilled spymaster. The violence of New York's revolutionary mobs had shocked him, and he had developed an instinct for camouflage. When the Sons of Liberty frolicked, Jay lay low. This was prudence, not cowardice—as a counterintelligence officer Jay was courageous. His work, Stahr writes, brought him “far closer to the ‘front lines’ of the Revolution than is generally assumed.” The quality of his espionage was acknowledged by the CIA itself, which named a room in Jay's memory at Langley. It is difficult to envision Jefferson or Hamilton excelling as Jay did in a craft which required such perfect self-effacement. Jay had established a tradition, that of the well-born but otherwise faceless New York spymaster—one that reached its boring perfection in F. Trubee Davison and Allen Dulles.

Jay enjoyed being a spymaster as much as his reserved nature allowed him to enjoy anything. In his declining years he regaled James Fenimore Cooper with an account of his experiences, material which Cooper used in his novel *The Spy*. Politics, by contrast, frequently elicited Jay's contempt. Seldom has the political scene worn a more interesting aspect than in 1775, yet in that year Jay professed himself “sick of the subject.” As a matter of course the fastidious aristocrat shunned the greasier forms of democratic self-promotion. He held, it is true, a number of executive, or rather quasi-executive, positions. (Until the Federalists broke the spell with the Constitution of 1789, Americans were enamored of impotent executives.) He served as President of the Continental Congress and Governor of New York, but in neither case did his selection require him to appear on the hustings. He was placed in the president's chair because he was a “calm and judicious” lawyer, and personally inoffensive; he became governor without having to stoop to the indignity of a personal canvass—he was out of the country at the time, and returned only as the votes were being counted.

This diffidence was part of the legacy Jay bequeathed to his class. With the exception of the two Roosevelts, New York's mandarins have generally adhered to the precedent; they have been content to work behind the scenes in

such fields as diplomacy, Jay's forte. Together with Franklin and Adams, Jay established the country's diplomatic tradition. How many Wall Street lawyers and bankers since have been sustained, during their labors over the brief or the bond issue, by the dream of being called, like Jay, to some exotic diplomatic service! Those titans of the bar and the stock exchange who despaired of making a name in foreign policy were at last driven to set up a State Department of their own, the Council on Foreign Relations, an institution conceived in the very image of Jay: abounding in the “better sort” of people, discreet, and a trifle secretive.



AT THE HEART OF JAY'S CAREER—AT the heart of Federalism itself—is the question of the proper place, in a republic, of the aristocratic element. In *The Creation of the American Republic* (1969), Gordon Wood argued that the Federalist “Constitution was intrinsically an aristocratic document designed to check the democratic tendencies of the period.” This is an accurate characterization of the New York Federalism of Jay; it is less true of the Virginia Federalism of Washington. Washington could be purer in his republicanism precisely because, in the manorial environment of Virginia, the aristocratic element was so apparently secure. The New York merchant prince, by contrast, walked out every day into Broadway, where he mingled with poorer citizens who possessed—or would soon obtain—

the vote, and who might vote him out of his property.

Thus the familiar Federalist safeguards: a strong president, a ponderous senate, and most brilliantly, judicial review, the brainchild of Hamilton and Marshall. Jay's contribution to the “Federalist persuasion” was rather a matter of style. He eschewed both the high-souled ambition of Hamilton and the provocative plumage of the Virginia gentry. He did not, like Hamilton, die a young and darkly Greek death, nor did he, like Washington and Jefferson, retire to a porticoed mansion. His last years were spent in a modest farmhouse in Bedford where he read the Bible and lamented the decay of the republic—a preppie nirvana.

Jay was not a reluctant democrat: he was a boring aristocrat, and in history the penalty for dullness is obscurity. Had he openly defended the aristocratic ideal he cherished, his claims would be greater. The materials were there, but the candor was lacking. Greek culture, Werner Jaeger wrote in *Paideia*, “begins in the aristocratic world of early Greece, with the creation of a definite ideal of human perfection, an ideal towards which the élite of the race was constantly trained.”

The knightly ideal of old Greece—*kalokagathia*, beauty and loftiness of spirit—became in Athens a democratic ideal; Jefferson sought to make it the touchstone of American democracy, and in Greek accents he spoke of the time when, “under our democratic stimulants,” every man “is potentially an athlete in body and an Aristotle in mind.” Roundhead bigotry might deny it, but the aristocratic temperament, when not ossified and feudal, has something to contribute to the moral and spiritual life of a people. In Jay, however, as well as in the mandarin class which he inspired, all the characteristic *virtù* of nobility is lost in caution and defensiveness, in mere gentility. Stahr's book, scrupulously researched and carefully composed, cannot finally make a compelling figure of a man who, for all his decency, concealed too much of what he was.

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Essay by Charles R. Kesler

# THE CRISIS OF AMERICAN NATIONAL IDENTITY



ABOUT A DECADE AGO, WHEN HE WAS vice president, Al Gore explained that our national motto, *e pluribus unum*, means "from one, many." This was a sad day for knowledge of Latin among our political elite—and after all those expensive private schools that Gore had been packed off to by his paterfamilias. It was the kind of flagrant mistranslation that, had it been committed by a Republican, say George W. Bush or Dan Quayle, would have been a gaffe heard round the world. But the media didn't play up the slip, perhaps because they had seen Gore's Harvard grades and figured he'd suffered enough, perhaps because they admired the remark's impudence. Though literally a mistake, *politically* the comment expressed and honored the multicultural imperative, then so prominent in the minds of American liberals: "from one," or to exaggerate slightly, "instead of one culture, many." As such it was a rather candid example of the literary method known as deconstruction: torture a text until it confesses the exact opposite of what it says in plain English or, in this case, Latin.

After 9/11, we haven't heard much from multiculturalism. In wartime, politics tends to

assert its sway over culture. In its most elementary sense, politics implies friends and enemies, us and them. The attackers on 9/11 were not interested in our internal diversity. They didn't murder the innocents in the Twin Towers or the Pentagon or on board the airplanes because they were black, white, Asian-American, or Mexican-American, but because they were American. (Although I bet that for every Jew they expected to kill, the terrorists felt an extra thrill of murderous anticipation.)

In our horror and anguish at those enormities and then in our resolution to avenge them, the American people closed ranks. National pride swelled and national identity—perhaps the simplest marker is the display of the flag—reasserted itself. After 9/11 everyone, presumably even Mr. Gore, understood that *e pluribus unum* means: out of many, *one*. Yet the patriotism of indignation and fear can only go so far. When the threat recedes, when the malefactor has been punished, the sentiment cools. Unless we know what about our national identity ought to command admiration and love, we are left at our enemies' mercy. We pay them the supreme and undeserved compliment of letting *them* de-

fine us, even if indirectly. Unsure of our national identity, we are left uncertain of our national interests, too; now even the war brought on by 9/11 seems strangely indefinite. And so Samuel P. Huntington is correct in his recent book to ask *Who Are We?* and to investigate what he calls in the subtitle *The Challenges to America's National Identity*. What shape will our national identity be in when the present war is over—or when it fades from consciousness, as arguably it has already begun to do?

## Creed versus Culture

IN HUNTINGTON'S VIEW, AMERICA IS UNDERGOING an identity crisis, in which the long-term trend points squarely towards national disintegration. A University Professor at Harvard (the school's highest academic honor), he has written a dozen or so books including several that are rightly regarded as classics of modern social science. He is a scholar of political culture, especially of the interplay between ideas and institutions; but in this book he calls himself not only a scholar but a patriot (without any ironic quotation marks). That





alone marks him as an extraordinary figure in today's academy.

Though not inevitable, the disorder that he discerns is fueled by at least three developments in the culture. The first is multiculturalism, which saps and undermines serious efforts at civic education. The second is "transnationalism," which features self-proclaimed citizens of the world—leftist intellectuals like Martha Nussbaum and Amy Guttmann, as well as the Davos set of multinational executives, NGOs, and global bureaucrats—who affect a point of view that is above this nation or any nation. Third is what Huntington terms the "Hispanization of America," due to the dominance among recent immigrants of a single non-English language which threatens to turn America, in his words, into "a bilingual, bicultural society," not unlike Canada. This threat is worsened by the nearness of the lands from which these Spanish-speaking immigrants come, which reinforces their original nationality.

Standing athwart these trends are the historic sources of American national identity, which Huntington describes as race, ethnicity, ideology, and culture. Race and ethnicity have, of course, largely been discarded in the past half century, a development he welcomes. By ideology he means the principles of the Declaration of Independence, namely, individual rights and government by consent, which he calls the American "creed" (a term popularized by Gunnar Myrdal). These principles are universal in the sense that they are meant to be, in Abraham Lincoln's words, "applicable to all men at all times." Culture is harder to define, but Huntington emphasizes language and religion, along with (a distant third) some inherited English notions of liberty. *Who Are We?* is at bottom a defense of this culture, which he calls Anglo-Protestantism, as the dominant strain of national identity. Although he never eschews the creed, he regards it fundamentally as the offshoot of a particular cultural moment: "The Creed...was the product of the distinct Anglo-Protestant culture of the founding settlers of America in the seventeenth and eighteenth centuries."

Twenty-some years ago, he took virtually the opposite position, as James Ceaser noted in a perceptive review in *The Weekly Standard*. In *American Politics: The Promise of Disharmony* (1981), Huntington declared, "The political ideas of the American creed have been the basis of national identity." But the result, even according to his earlier analysis, was a very unstable identity. The inevitable gap between ideals and institutions doomed the country to anguished cycles of moral overheating ("creedal passion periods") and cooling. He wrote the earlier

book as a kind of reflection on the politics of the 1960s and 1970s, noting how the excessive moralism of those times had given way to hypocrisy, complacency, and finally cynicism. In a way, then, the two books really are united in their concern about creedal over-reliance or disharmony.

To bring coherence and stability to American national identity apparently requires a creed with two feet planted squarely on the ground of Anglo-Protestant culture. The creed alone is too weak to hold society together. As he argues in the new book, "America with only the creed as a basis for unity would soon evolve into a loose confederation of ethnic, racial, cultural and political groups." It is not excessive individualism he worries about; he fears rather that individuals, steering by the creed alone, would soon be attracted to balkanizing group-identities. Therefore, the creed must be subsumed

#### Books discussed in this essay:

*Who Are We? The Challenges to America's National Identity*, by Samuel P. Huntington. Simon & Schuster, 448 pages, 2004

*American Politics: The Promise of Disharmony*, by Samuel P. Huntington. Harvard University Press, 303 pages, 1981

under the culture, if creed and country both are to survive; indeed, "if they are to be worthy of survival, because much of what is most admirable about America" is in its culture, at its best.

#### Anglo-Protestantism

HUNTINGTON'S ARGUMENT PROVIDES a convenient starting point for thinking about the problem of American national identity, which touches immigration, bilingual education, religion in the public square, civic education, foreign policy, and many other issues. While agreeing with much of what he says about the culture's importance, I want to speak up for the creed and for a third point of view, distinct from and encompassing both.

Huntington outlines two sources of national identity, a set of universal principles that (he argues) cannot serve to define a particular society; and a culture that can, but that is under withering attack from within and without. His account of culture is peculiar, narrowly focused

on the English language and Anglo-Protestant religious traits, among which he counts "Christianity; religious commitment;...and dissenting Protestant values of individualism, the work ethic, and the belief that humans have the ability and the duty to try to create heaven on earth, a 'city on a hill.'" Leave aside the fact that John Winthrop hardly thought that he and his fellow Puritans were creating "heaven on earth." Is Huntington calling for the revival of all those regulations that sustained Winthrop's merely earthly city, including the strictures memorably detailed in *The Scarlet Letter*? Obviously not, but when fishing in the murky waters of Anglo-Protestant values, it is hard to tell what antediluvian monsters might emerge. If his object is to revive, or to call for the revival of, this culture, how will he distinguish its worthy from its unworthy parts?

Huntington is on more solid ground when he impresses "English concepts of the rule of law, the responsibility of rulers, and the rights of individuals" into the service of our Anglo-Protestantism. Nonetheless, he is left awkwardly to face the fact that his beloved country began, almost with its first breath, by renouncing and abominating certain salient features of English politics and English Protestantism, including king, lords, commons, parliamentary supremacy, primogeniture and entail, and the established national church. There were, of course, significant cultural continuities: Americans continued to speak English, to drink tea (into which a little whiskey may have been poured), to hold jury trials before robed judges, to read (most of us) the King James Bible, and so forth. But there has to be something wrong with an analysis of our national culture that literally leaves out the word "American." Anglo-Protestantism—what's American about that, after all? The term would seem to embrace many things that our countrymen have tried and given up—or that have never been American at all, much less distinctively so.

Huntington tries to get around this difficulty by admitting that the American creed has modified Anglo-Protestantism. But if that is so, how can the creed be derived from Anglo-Protestantism? When, where, how, and why does that crucial term "American" creep onto the stage and into our souls? He allows that "the sources of the creed include the Enlightenment ideas that became popular among some American elites in the mid-eighteenth century." But he suggests that these ideas did not change the prevailing culture so much as the culture changed them. In general, Huntington tries to reduce reason to an epiphenomenon of culture, whether of the Anglo-Protestant or Enlightenment variety. He doesn't see—or at any rate, he



doesn't admit the implications of seeing—that reason has, or can have, an integrity of its own, independent of culture. But Euclid, Shakespeare, or Bach, for example, though each had a cultural setting, was not simply produced by his culture, and the meaning of his works is certainly not dependent on it or limited to it. It is the same with the most thoughtful American Founders and with human equality, liberty, and the other great ideas of the American creed.

### The Cultural Approach

HUNTINGTON'S ANALYSIS IS CLOSER than he might like to admit to the form of traditionalist conservatism that emerged in Europe in opposition to the French Revolution. These conservatives, often inspired by Edmund Burke but going far beyond him, condemned reason or "rationalism" on the grounds that its universal principles destroyed the conditions of political health in particular societies. They held that political health consisted essentially in tending to a society's own traditions and idiosyncrasies, to its peculiar genius or culture. As opposed to the French Revolution's attempt to make or construct new governments as part of a worldwide civilization based on the rights of man, these conservatives argued that government must be a native growth, must emerge from the spontaneous evolution of the nation itself. Government was a part of the *Volksgeist*, "the spirit of the people." Politics, including morality, was in the decisive respect an outgrowth of culture.

But on these premises, how can one distinguish good from bad culture? What began as the rejection of rationalism quickly led to the embrace of irrationalism. Or to put it differently, the romance soon drained out of Romanticism once the nihilistic implications of its rejection of universals became clear. Huntington is right, of course, to criticize multiculturalism as destructive of civic unity. But he is wrong to think that Anglo-Protestant culture is the antidote, or even merely our antidote, to multiculturalism and transnationalism. Multiculturalism likes to assert that all cultures are created equal, and that America and the West have sinned a great sin by establishing white, Anglo-Saxon, Christian, heterosexual, patriarchal, capitalist—what's next, hurricane-summoning?—culture as predominant. The problem with this argument is that it is self-contradictory. For if all cultures are created equal, and if none is superior to any other, why not prefer one's own? Thus Huntington's preference for Anglo-Protestantism—he never establishes it as more than a patriot's preference, though as a scholar he tries to show what happens if we

neglect it—is to that extent perfectly consistent with the claims of the multiculturalists, the only difference being that he likes the dominant culture, indeed, wants to strengthen it, and they don't.

Of course, despite their protestations, multiculturalists do not actually believe that all cultures are equally valid. With a clear conscience, they condemn and reject anti-multiculturalism, not to mention cultures that treat women, homosexuals, and the environment in ways that Western liberals cannot abide. Unless, perchance, such treatment is handed out by groups hostile to America; for Robert's Rules of Multicultural Order allow peremptory objections against, say, the Catholic Church, that are denied against such as the Taliban. Scratch a multiculturalist, then, and you find a liberal willing to condemn all the usual cultural suspects.

Whether from the Right or the Left, the cultural approach to national identity runs into problems. To know whether a culture is good or bad, healthy or unhealthy, liberating or oppressive, one has to be able to look at it from outside or above the culture. Even to know when and where one culture ends and another begins, and especially to know what is worth conserving and what is not within a particular culture, one must have a viewpoint that is not determined by it. For example, is the culture of slavery, or that of anti-slavery, the truer expression of Americanism? Both are parts of our tradition. One needs some "creed," it turns out, to make sense of culture. I mean creed, not merely in the sense of things believed (sidestepping whether they are true or not), but in the sense of moral principles or genuine moral-political knowledge. If that were impossible, if every point of view were merely relative to a culture, then you'd be caught in an infinite regress. No genuine knowledge, independent of cultural conditioning, would be possible—except, of course, for the very claim that there is no knowledge apart from the cultural, which claim has to be true across all cultures and times. But then genuine knowledge would be possible, after all, and multiculturalism would have refuted itself.

### Hard Sell

ONE OF THE ODDITIES OF HUNTINGTON's argument is that the recourse to Anglo-Protestantism makes it, from the academic point of view, less objectionable, and from the political viewpoint, less persuasive. As a scholar, he figures that he cannot endorse the American creed or its principles of enlightened patriotism as true and good, because that would be committing a value judgment. So he embeds them in a culture and attempts to prove

(and does prove, so far as social science allows) the culture's usefulness for liberty, prosperity, and national unity, should you happen to value any of those. The Anglo-Protestantism that he celebrates, please note, is not exactly English Protestantism (he wants to avoid the national church), but dissenting Protestantism, and not all of dissenting Protestantism but those parts, and they were substantial, that embraced religious liberty. In short, those parts most receptive to and shaped by the creed.

As a political matter, Anglo-Protestantism is a hard sell, particularly to Catholics, Jews, Mexican-Americans, and many others who don't exactly see themselves in that picture. Huntington affirms, repeatedly, that his is "an argument for the importance of Anglo-Protestant culture, not for the importance of Anglo-Protestant people." That is a very creedal, one might even say a very American, way of putting his case for culture, turning it into a set of principles and habits that can be adopted by willing immigrants of whatever nation or race. This downplays much of what is usually meant by culture, however, and it is not clear what he gains by it. If that is all there is to it, why not emphasize the creed or, more precisely, approach the culture through the creed?

The answer, I think, is that Huntington regards the creed by itself as too indifferent to the English language and God. But there is no connection between adherence to the principles of the Declaration and a lukewarm embrace of English for all Americans. In fact, a country based on common principles would logically want a common language in which to express them. The multiculturalists, tellingly, attack English and the Declaration at the same time. As for God, there is no reason to accept the ACLU's godless version of the creed as the correct one. The Declaration mentions Him four times, for example, and from the Declaration to the Gettysburg Address to the Pledge of Allegiance (a creedal document if there ever was one), the creed has affirmed God's support for the rational political principles of this nation.

### Regime Change

YET IT IS PRECISELY THESE PRINCIPLES that Huntington downplays, along with their distinctive viewpoint. This viewpoint, which goes beyond culture, is the political viewpoint. It is nobly represented by our own founders and its most impressive theoretical articulation is in Aristotle's *Politics*. For Aristotle, the highest theme of politics and of political science is founding. Founding means to give a country the law, institutions, offices, and precepts that chiefly make the country





what it is, that distinguish it as a republic, aristocracy, monarchy, or so on. This authoritative arrangement of offices and institutions is what Aristotle calls "the regime," which establishes who rules the country and for what purposes. We hear much about "regime change" today but perhaps don't reflect enough about what the term implies. The regime is the fundamental fact of political life according to Aristotle. And because the character of the rulers shapes the character of the whole people, the regime largely imparts to the country its very way of life. In its most sweeping sense, regime change thus augurs a fundamental rewiring not only of governmental but of social, economic, and even religious authority in a country. In liberal democracies, to be sure, politics has renounced much of its authority over religion, society, and the economy. But even this renunciation is a political act, a regime decision.

Founding is regime change par excellence, the clearest manifestation of politics' ability to shape or rule culture. But even Aristotle admits that the regime only "chiefly" determines the character of a country, comparing it to a sculptor's ability to form a statue out of a block of marble. Much depends as well on the marble, its size, condition, provenance, and so forth. Although the sculptor wishes to impose a form (say, a bust of George Washington) on the marble, he is limited by the matter he has to work with and may have to adapt his plans accordingly. By the limitations or potentialities of the matter Aristotle implies much of what we mean by culture. That is, every founder must start from something—a site, a set of natural resources, a population that already possesses certain customs, beliefs, family structure, economic skills, and maybe laws. Aristotle chooses to regard this "matter" or what we would call culture as the legacy, at least mostly, of past politics, of previous regimes and laws and customs. By in effect subordinating culture to politics, he emphasizes the capacity of men to shape their own destiny or to govern themselves by choosing (again) in politics. He emphasizes, in other words, that men are free, that they are not enslaved to the past or to their own culture. But he does not confuse this with an unqualified or limitless liberty to make ourselves into anything we want to be. We are just free enough to be able to take responsibility for the things in life we cannot choose—the geographical, economic, cultural, and other factors that condition our freedom but don't abolish it.

Now it is from this viewpoint, the statesman's viewpoint, that we can see how creed and culture may be combined to shape a national identity and a common good. In fact, this can be illustrated from the American Founding itself.

In the 1760s and early 1770s American citizens and statesmen tried out different arguments in criticism of the mother country's policies on taxation and land rights. Essentially, they appealed to one part of their political tradition to criticize another, invoking a version of the "ancient constitution" (rendered consistent with Lockean natural rights) to criticize the new one of parliamentary supremacy, in effect appealing not only to Lord Coke against Locke, but to Locke against Locke. In the Declaration of Independence, the Americans appealed both to natural law and rights on the one hand, and to British constitutionalism on the other, but to the latter only insofar as it did not contradict the former. Thus the American creed emerged from within, but also against, the predominant culture. The Revolution justified itself ultimately by an appeal to human nature, not to culture, and in the name of human nature and the American

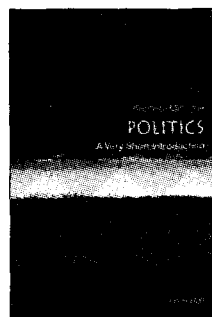
people, the Revolutionaries set out to form an American Union with its own culture.

### Immigration and Education

THEY UNDERSTOOD, THAT IS, THAT THE American republic needed a culture to help uphold its creed. The formal political theory of the creed was a version of social contract theory, amended to include a central role for Founding Fathers. In John Locke's *Second Treatise*, the classic statement of the contract theory, there is little role for Founding Fathers, really, inasmuch as they might represent a confusion of political power and paternal power, two things that Locke is at great pains to separate. He wants to make clear that political power, which arises from consent, has nothing to do with the power of fathers over their children. And so, against the arguments of absolut-

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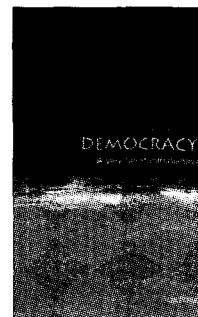
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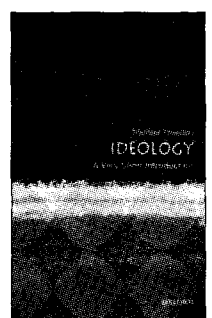
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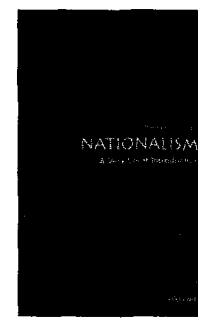
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ist patriarchal monarchy, he attempted clearly to distinguish paternal power from contractual or political power. But in the American case we have combined these, to an extent, almost from the beginning. The fathers of the republic are our demi-gods, as Thomas Jefferson, of all people, called them. They are our heroes, who establish the sacred space of American politics, and citizens (and those who would be) are expected to share a general reverence for them and their constitutional handiwork.

In fact, the American creed, together with its attendant culture, illuminates at least two issues highly relevant to national identity, namely, immigration and education. On immigration, the founders taught that civil society is based on a contract, a contract presupposing the unanimous consent of the individuals who come together to make a people. When newcomers appear, they may join that society if they and the society concur. In other words, from the nature of the people as arising from a voluntary contract, consent remains a two-way street: an immigrant must consent to come, and the society must consent to receive him. Otherwise, there is a violation of the voluntary basis of civil society. The universal rights of human nature translate via the social compact into a

particular society, an "us" distinct from "them," distinct even from any other civil society constituted by a social contract.

Any individual has, in Jefferson's words, the right to emigrate from a society in which chance, not choice, has placed him. But no society has a standing natural duty to receive him or to take him in. Thus it is no violation of human rights to pick and choose immigrants based on what a particular civil society needs. In America's case, the founders disagreed among themselves about whether, say, farmers or manufacturers should be favored as immigrants, but they agreed, as Thomas G. West and Edward J. Erler have shown, that the country needed newcomers who knew English, had a strong work ethic, and possessed republican sentiments and habits.

For its first century or so, the United States had naturalization laws but no immigration laws, so that, technically speaking, we had open borders. Effectively, however, the frontiers were not so open: most immigrants had to cross several thousand miles of perilous ocean to reach us. Nonetheless, American statesmen wanted to influence as much as they could who was coming and why. Benjamin Franklin, for instance, wrote a famous essay in 1784 called "Information to Those Who Would Remove to

America," in which he cautioned his European readers that America was the "Land of Labor": if they were planning to emigrate they had better be prepared to work hard. America was not the kind of country, he wrote, where "the Fowls fly about ready roasted, crying, *Come eat me!*"

As for education, from the creedal or contractual point of view, each generation of citizens' children might be considered a new society. But Jefferson's suggestion that therefore all contracts, laws, and constitutions should expire every generation (19 years, he calculated) was never acted on by him, much less by any other founder. Instead of continual interruptions (or perhaps a finale) to national identity, succeeding generations, so the founders concluded, were their "posterity," for whom the blessings of liberty had to be secured and transmitted. Perpetuating the republic thus entailed a duty to educate the rising generation in the proper creed and culture.

If certain qualities of mind and heart were required of American citizens, as everyone agreed, then politics had to help shape, directly and indirectly, a favoring culture. Most of the direct character formation, of course, took place at the level of families, churches, and state and local governments, including private and (in time)

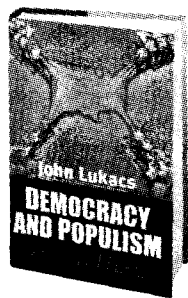
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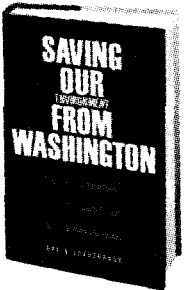
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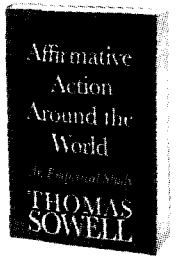
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public schools. In the decades that followed the founding, the relation between the culture and creed fluctuated in accordance with shifting views about the requirements of American republicanism. Unable to forget the terrors of the French Revolution, Federalists and Whigs tried to stimulate root growth by emphasizing the creed's connection to Pilgrim self-discipline and British legal culture. This was, perhaps, the closest that America ever came to an actual politics of Burkeanism. Although the American Whigs never abandoned the creed's natural-rights morality, they adorned it with the imposing drapery of reverence for cultural tradition and the rule of law. In many respects, in fact, Huntington's project is a recrudescence of Whiggism.

By contrast, Jeffersonian Republicans, soon turned Jacksonian Democrats, preferred to dignify the creed by enmeshing it in a historical and progressive account of culture. They, too, were aware of the problem of Bonapartism, which had seized and destroyed French republicanism in its infancy; and in Andrew Jackson, of course, they had a kind of Bonaparte figure in American politics whom they were happy to exploit. But in their own populist manner they responded to the inherent dangers of Bonapartism by embracing a kind of theory of progress, influenced by Hegel though vastly more democratic than his, which recognized the People as the vehicle of the world-spirit and as the voice of God on earth. (You can find this in the essays and books of George Bancroft, the Jacksonian-era historian and advisor to Democratic presidents, as well as in popular editorials in the *North American Review* and elsewhere.) The people were always primary, in other words. Jackson and even the founders were their servants; every great man the representative of a great people. Here too the creed tended to merge into culture, though in this case into forward-looking popular culture.

In his early life, Abraham Lincoln was a Whig, memorably and subtly warning against the spirit of Caesarism and encouraging reverence for the law as our political religion. But Lincoln's greatness depended upon transcending Whiggism for the sake of a new republicanism, a strategy already visible in his singular handling of the stock Whig themes as a young man. In fact, his new party called itself the Republican Party as a kind of boast that the new republicanism intended to revive the old. Their point was that the former Democratic Republicans, now mere Democrats, had abandoned the republic, which Lincoln and his party vowed to save. Rejecting Whiggish traditionalism as well as Democratic populism and progressivism, Lincoln rehabilitated the American creed, returning to the Declaration and its truths to set

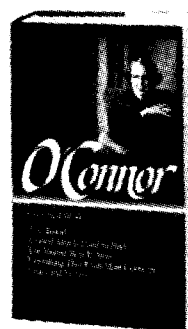
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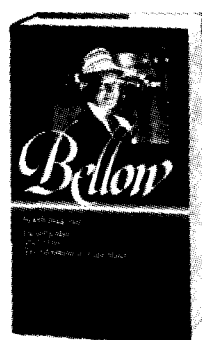
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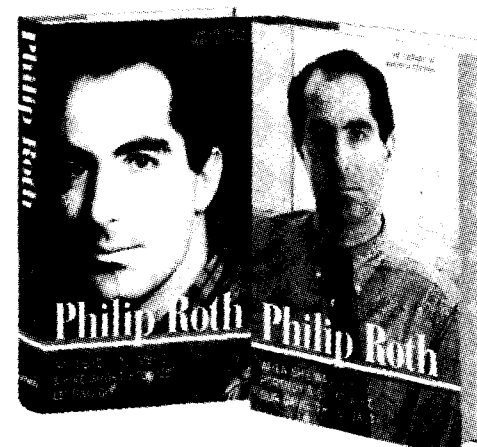
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the face of American law against secession and slavery, to purge slavery from the national identity, and to reassert republican mores in American life and culture. This last goal entailed the American people's long struggle against Jim Crow and segregated schools, as well as our contemporary struggle against group rights and racial and sexual entitlements.

Lincoln and his party stood for a reshaping of American culture around the American creed—"a new birth of freedom." Because the creed itself dictated a limited government, this rebirth was not an illiberal, top-down politicization of culture of the sort that liberal courts in recent decades have attempted. Disciplined by the ideas of natural rights and the consent of the governed, this revitalization was a persuasive effort that took generations, and included legislative victories like the Civil War Amendments and the subsequent civil rights acts. Government sometimes had to take energetic action to secure rights, to be sure, e.g., to suppress the culture of lynching. Nor should we forget that peaceful reforms presupposed wartime victory. As with the Revolution, it took war to decide what kind of national identity America would possess—if any. But war is meaningless without the statecraft that turns it so far as possible to noble ends, and that prepares the way for the return of truly civil government and civil society.

### We Hold These Truths

**M**ODERN LIBERALISM, BEGINNING IN the Progressive era, has done its best to strip natural rights and the Constitution out of the American creed. By emptying it of its proper moral content, thinkers and politicians like Woodrow Wilson prepared the creed to be filled by subsequent generations, who could pour their contemporary values into it and thus keep it in tune with the times. The "living constitution," as the new view of things came to be called, transformed the creed, once based on timeless or universal principles, into an evolving doctrine; turned it, in effect, into culture, which could be adjusted and reinterpreted in accordance with history's imperatives. Alternatively, one could say that 20th-century liberals turned their open-ended form of culturalism into a new American creed, the multicultural creed, which they have few scruples now about imposing on republican America, diversity be damned.

To his credit, Huntington abhors this development. Unfortunately, his Anglo-Protestant culturalism, like any merely cultural conservatism, is no match for its liberal opponents. He persists in thinking of liberals as devotees of the old American creed who push its universal principles too far, who rely on reason to the exclusion of a strong national culture. When

they abjured individualism and natural rights decades ago, however, liberals broke with that creed, and did so proudly. When they abandoned nature as the ground of right, liberals broke as well with reason, understood as a natural capacity for seeking truth, in favor of reason as a servant of culture, history, fate, power, and finally nothingness. In short, Huntington fails to grasp that latter-day liberals attack American culture *because* they reject the American creed, around which that culture has formed and developed from the very beginning.

In thinking through the crisis of American national identity, we should keep in mind the opening words of the second paragraph of the Declaration of Independence: "We hold these truths...." Usually, and correctly, we emphasize the truths that are to be held, but we must not forget the "We" who holds them. The American creed is the keystone of American national identity; but it requires a culture to sustain it. The republican task is to recognize the creed's primacy, the culture's indispensability, and the challenge, which political wisdom alone can answer, to shape a people that can live up to its principles.

*Charles R. Kesler is editor of the Claremont Review of Books. This essay is adapted from a lecture presented at the Heritage Foundation in Washington, D.C., as part of the Lehrman Lectures on Restoring America's National Identity.*



Book Review by Glen E. Thurow

## THE MEASURE OF GREATNESS

*What Lincoln Believed: The Values and Convictions of America's Greatest President,*  
by Michael Lind. Doubleday, 368 pages, \$27.95

*Lincoln's Speeches Reconsidered,* by John Channing Briggs.  
Johns Hopkins University Press, 384 pages, \$27.95

**A**LAS, POOR LINCOLN! OR IS IT, POOR us? The writers are legion who have sought the "man" beneath the "myth," their point usually being to expose Lincoln as not nearly as great as legend has it. Like his predecessors, Michael Lind promises to strip Lincoln of the myths that conceal and protect him. Yet in *What Lincoln Believed*, he suggests that Lincoln is still our greatest president. Does Lind belong to a different legion?

Lincoln, Lind tells us, is not the "Great Emancipator," nor the "Great Commoner," nor the "Savior of the Union." Admitting that there is some truth in each of these appellations, he argues that each hides one of Lincoln's salient characteristics. Lincoln did have a hand in ending slavery, but he would have been content with a union that still possessed slavery. At heart he was a racist, and thus does not deserve the title of "Great Emancipator." He did rise from humble origins and championed the working man, but Lincoln was comfortable with business types and did not understand that the true interest of the working man was not to have equality of opportunity but to be taken care of by the welfare state. Thus he cannot rival Franklin Roosevelt as the "Great Commoner." Lincoln saved the Union, but he had only legal objections to a state's seceding, and this cold attachment hardly merits the title "Savior of the Union."

Even after denying Lincoln these traditional honors, Lind considers him "America's Greatest President." Assuming this isn't postmodern

irony (and irony seems foreign to Lind), why do the 16th president's bared bones deserve such high praise?

Lincoln, Lind argues, is best understood as "an old-line Henry Clay Whig." Historians

policies into a coherent program." Lincoln, by contrast, "was content to inherit his program from Clay with little modification." According to Lind, "Henry Clay was to Abraham Lincoln what Franklin Delano Roosevelt was to Lyndon Johnson—a lifelong hero and role model as well as the architect of a political philosophy adopted and implemented by the younger politician."

Clay's program—again, according to Lind—consisted of economic nationalism, on the one hand, and the ejection of blacks from the country through colonization, on the other. So "Lincoln's America" is to be found in the late 19th-century combination of "industrial capitalism" and racial segregation (a second-best resort once colonization proved impracticable). This was an America fortunately overthrown by Franklin Roosevelt and his successors.

**I**S GREATNESS FOUND in following someone else's footsteps, particularly someone with so flawed a vision as Lind's Clay? Realizing the implausibility of this, and perhaps fearful that no one would believe that these poor relics are truly Lincoln's bones, Lind acknowledges that Lincoln was a great speaker—better in this one respect than Clay. "Lincoln's genius lay in his ability to articulate,

in succinct and memorable language, the political principles of the American Republic." Although Lincoln believed that American democracy should be restricted to whites, he was



Editorial cartoon by John Tenniel, published in *Punch*, Dec. 3, 1864. The Federal Phoenix rises from a fire created with logs labeled Commerce, Credit, United States Constitution, Free Press, Habeas Corpus, and State Rights. Five months after the cartoon was published, Lincoln was assassinated. Reprinted by courtesy of Boondocksnet.com

have mistakenly divided Lincoln's career into Whig and Republican segments, not realizing that he never departed from the former. Clay was "a great synthesizer who could weld diverse



at heart an Enlightenment rationalist, scornful of religion, who saw that human equality and democracy were universal ideals. He enunciated these beliefs in such simple and compelling phrases that they could become a children's catechism and thereby survive the ravages of time. Though Lincoln himself influenced no one directly except the Chinese (!), the principles of 18th-century rationalism that his oratory rescued are those of the United Nations and the Universal Declaration of Human Rights. He is great, in short, because he preserved the ideas that today are the basis for the United Nations.

Alas, poor Lincoln! A kinder reviewer would dig out some fragment of truth from the wreckage of this book. One careless of space would delineate the exact nature of its many distortions. Here I shall suggest only the major reasons why Lind, in spite of his putative admiration for Lincoln, goes grossly astray.

The first is that his scholarship is shallow. With the exception of Allen Guelzo's *Abraham Lincoln: Redeemer President* (1999), he seems completely unaware of the best books (such as those by Harry V. Jaffa) about Lincoln's political philosophy. The second is that he does not know how to use historical material. For example, in picturing Lincoln as a fanatic for wishing to repatriate blacks, he quotes the opinions of one of Lincoln's advisers, James Mitchell, and assumes that Lincoln thought the same way.

The third is that Lind does not understand democratic politics. He does not take account of the fact that Lincoln may have had to appeal to sentiments in the people that he himself did not share or share fully. Quoting from Frederick Douglass's assessment at the time of the dedication of the Freedmen's Monument to Lincoln, Lind notes Douglass's statement that his race was only the "step-child" of Lincoln. He diminishes Douglass's subtlety by assuming that "step-child" unambiguously means second-class. It is true that a "step-child" is someone who may not be as naturally close as a "natural-born" child, but it is also true that he is one who has been deliberately brought into the family. More significantly, Lind makes no mention of Douglass's profound appreciation of the difficult task of political leadership Lincoln faced. Douglass argues in the speech that Lincoln had two great tasks: "to save his country from dismemberment and ruin," and "to free his country from the great crime of slavery." To do either, he needed "the earnest sympathy and the powerful co-operation of his loyal fellow countrymen." Douglass's final judgment is: "Viewed from the

genuine abolition ground, Mr. Lincoln seemed tardy, cold, dull, and indifferent; but measuring him by the sentiment of his country, a sentiment he was bound as a statesman to consult, he was swift, zealous, radical, and determined." He was indeed the Great Emancipator.

The fourth and most important cause of error in this book is that Lind does not read Lincoln's words with any care (perhaps because he does not think that Lincoln thought deeply).

**F**ORTUNATELY THERE IS A WONDERFUL antidote to Lind's book by someone who has read Lincoln's words with great care, and that is John Channing Briggs's *Lincoln's Speeches Reconsidered*. Briggs does not simply back up Lind's opinion (shared by virtually everyone) that Lincoln was a great democratic advocate; he proves that despite this reputation, historians and others have underestimated Lincoln's oratorical excellence. He demonstrates also, contrary to Lind, that this excellence cannot be separated from Lincoln's equal distinction as politician, statesman, and thinker. Briggs accomplishes this without a trace of hagiography, and without a trace of assumed superiority to his subject.

After a chapter on the setting of Lincoln's oratory, each of the following considers one of Lincoln's pre-presidential speeches (with the exception of the final chapter, which examines three presidential speeches). Each speech is placed in its historical context, without that context overwhelming the speech itself. With sensitivity both to the complications of Lincoln's circumstances and to the complexity and ambiguity of his attempts to hold his audience "in the presence of deep thoughts he did not and could not always communicate in full," Briggs examines how each speech is constructed and how it penetrates to its deeper purposes and principles.

To follow Briggs's argument is to see these speeches with fresh eyes, so carefully does he guide the reader to subtleties of Lincoln's thought and language. Building speech upon speech, he gradually reveals Lincoln in a fresh way as well. For example, in the chapter on Lincoln's 1852 Eulogy for Henry Clay, Briggs shows why it is impossible to regard Lincoln as a mere follower of Clay. One would think that the occasion—a speech of commemoration only a week after Clay's death—and Lincoln's own predilections—he once said that Clay was his "beau ideal of a statesman"—would result in a speech of unqualified praise. Lind takes it as such. But Briggs reveals a deeper aim. Although acknowledging Clay's contributions

as the Great Compromiser, praising this quality by quoting from a Democratic Party newspaper, Lincoln seeks to place Clay in a different light. Briggs shows that Lincoln's words of eulogy "shift attention away from Clay's plans for colonization, elevate his antislavery sympathies, and subtly recognize the possibility of finding ways of implementing the gradual emancipation of American slaves—not simply as a first step to colonization but as an emancipatory action in its own right."

Briggs traces Lincoln's rhetorical consistency even as the particular topics and audiences shifted, showing that the antebellum speeches are a comprehensive rhetorical achievement culminating in the great speeches of the presidential years. Beginning with Lincoln's courtroom rhetoric, Briggs identifies a pattern of concession and resolve in which Lincoln characteristically "pared away his views, in seeming or genuine deference to his opponents' position, until he stood by a single decisive point." On one level this was an effective technique that enabled Lincoln to meet and address his audiences as he found them. Admitting all that could be conceded to their opinion, the weight of what he refused to concede became the greater; and he could then draw them toward the deeper understanding he wished them to have. Lincoln was able to use this basic pattern whether he was addressing slavery, the Mexican War, or discoveries and inventions.

But Briggs argues that this duality of concessions and resolve, of passivity and activity, was not a mere technique but ultimately reflected Lincoln's deep understanding of man's relationship to the whole of things. Perhaps this understanding is most clearly, if enigmatically, revealed in Lincoln's portrayal in his presidential speeches of man's relationship to Providence. With the help of Shakespeare and Milton, Briggs interprets Lincoln's references to Providence with a subtlety and intelligence I believe to be unsurpassed in Lincoln scholarship. He shows how Lincoln threads his way between a belief in Providence or fate that would make men mere tools of the divine, and a belief in the efficacy of human action that would reduce justice to mere human invention.

Briggs explains that he wishes to show that great prose works are worthy of careful literary attention. He accomplishes that and much more: he provides a model of how better to understand our country and ourselves.

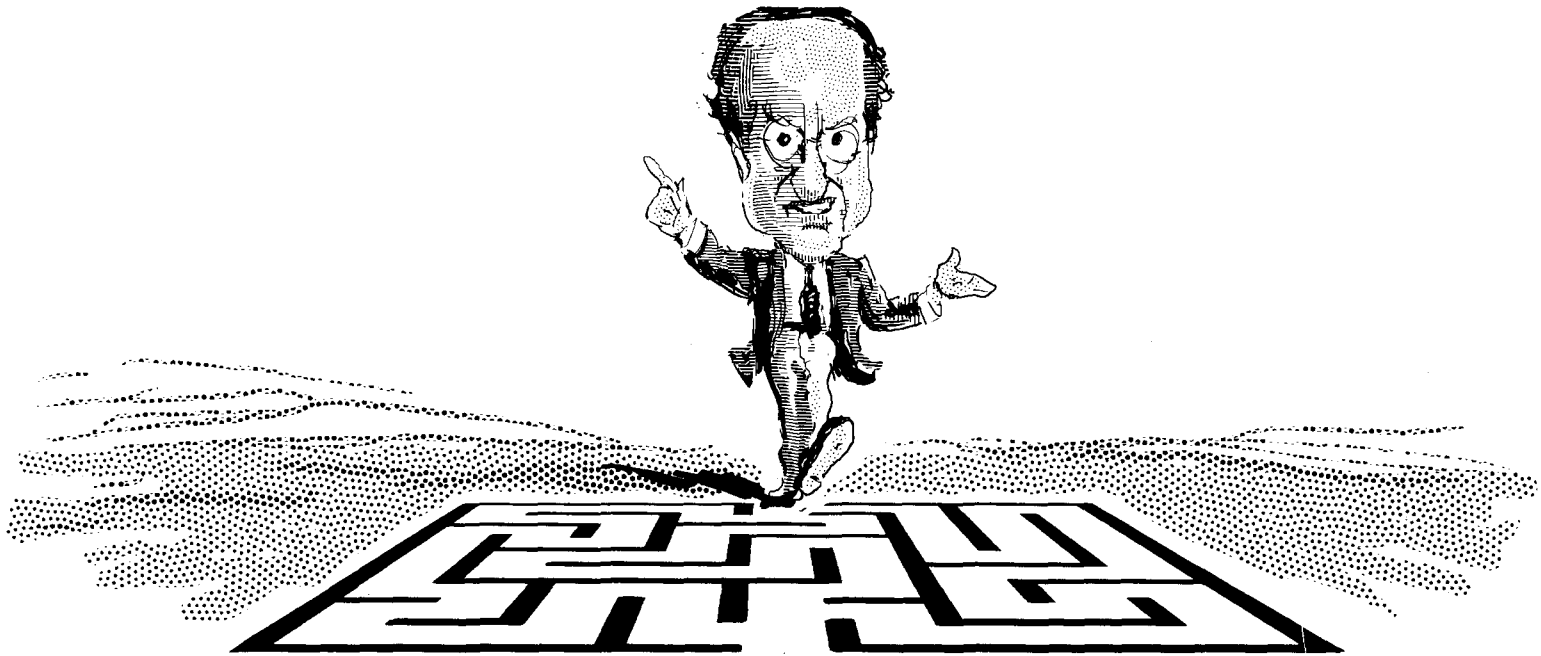
Glen E. Thurow is professor of politics at the University of Dallas.



Book Review by Hadley Arkes

## THE RIGHTS AND WRONGS OF ALAN DERSHOWITZ

*Rights From Wrongs: A Secular Theory of the Origin of Rights,*  
by Alan Dershowitz. Basic Books, 261 pages, \$24



**T**HERE HE GOES AGAIN: ALAN DERSHOWITZ has turned out another book. I know, I know, but look: over the years he has occasionally said sensible and even compelling things on the matter of Israel; and he has been a model of sobriety on dealing with terrorism and detention when compared with other, rather untethered, people on the Left. In fact, back in 1970, he wrote a piece for *Commentary* on preventive detention in Israel. Without quite intending it, he virtually replicated and amplified Abraham Lincoln's case for the suspension of *habeas corpus*, and did it in terms that resonated with our own time.

Curiously, that argument of Lincoln's has been omitted from the commentary that Professor Dershowitz offers in this new book, when he deals with the cases on detention. Lincoln's argument would have put him at odds with both Professor Dershowitz and Justice Scalia in their handling of these cases, and therein may lie the clue: Lincoln's argument ran back to the ground of moral judgment, or the principles of moral judgment that underlay the Constitution. Professor Dershowitz has taken it, as the thesis threading through this work, that there are in fact no such moral principles that form the ground of our judgments. He

claims to find the standards of practical judgment in a mix of considerations he calls "utilitarian," but he emphatically denies that there are "moral truths" that stand behind these judgments. He professes himself to be "(God forgive me) a moral relativist," and a "skeptic" in moral matters. A moral skeptic denies that there are knowable truths. The relativist denies those truths from another angle by insisting that there are no objective truths, only standards that are "relative" to persons and places. "Nevertheless," says Dershowitz, "I believe strongly in the concept of rights." A concept of "rights"—but with no supporting truths that can explain why they are *rightful*, and why the rest of us should respect them. Hence the puzzle of this book, and the spectacle of a writer jousting with himself. Alan Dershowitz has made a career in litigating and writing on the issues of the day as a lawyer, as a man who has taken as his vocation the rendering of justice. Yet he has not taken the occasion before this book to reflect in a probing, extended way about the very grounds of his judgments on the things that are right and wrong, just and unjust. By his own admission, then, this book should offer the key to his works.

Dershowitz has made provocation his signature tune over the years, and *Rights From Wrongs*

offers the occasion to carry provocation to its deepest reach. For in the sweep of his denial of moral truths, he denies every moral premise of the American regime and the moral ground of the rights it was meant to secure. The American Founders and Lincoln took seriously the notion of "natural rights"—that certain rights were grounded in the very nature of human beings, and those rights would remain the same in all places where that nature remained the same. They would hold even in exotic places, as long as human beings were still distinguishable from the subhuman and the superhuman. And so, the concept of "human rights." Lincoln understood then that the republic did not begin with the Constitution, but with the Declaration of Independence and with that "proposition" from which everything else emanated: "all men are created equal." Dershowitz seeks a regime with the widest field of rights—"rights such as those of equality, due process, freedom of conscience and expression, democratic participation, life, and liberty"—but he makes it resoundingly clear that he rejects every moral premise contained in the Declaration. "All men are created equal" may be a summoning sentiment, but he utterly denies that it has the standing of a truth, much less of a "self-evident" or necessary truth.

JEREMY BENTHAM REGARDED natural rights as "nonsense on stilts," and Dershowitz hauls out the banner of Bentham as he, too, denies natural rights: "[H]uman beings have no singular nature.... We are creatures of accidental forces who have no preordained destiny or purpose." The founders had looked to the "laws of Nature and of Nature's God" as the source of natural rights. But Dershowitz reserves his deepest contempt for the notion that we were "endowed by our Creator with rights," for he denies insistently, stridently, the notion of a God who disclosed a scheme of moral truths. For Dershowitz these things are packed into a com-

plete, repellent package: vast evils in the world have been carried out by those zealots who claim to know the truths disclosed by God. They claim to know absolute truths and to have a "monopoly" on the truth. They have produced religious wars and the Inquisition. Leaning on the Bible, they have defended slavery, denied the rights of homosexuals, and rejected even the right of a woman to control her body through abortion. Without a hint of doubt, without any flagging of certitude on his own part, Dershowitz flatly asserts that "there are no divine laws of morality, merely human laws claiming the authority of God." Of course, in his own writing, Dershowitz

has often invoked the parables of rabbis and made much of his persona as a Jewish intellectual. But the God of Israel is the Creator who authored the laws of physics and a moral law. To deny that God the Creator is also a legislator of the moral law is essentially to deny the God of the whole, the God known to the Jews.

Dershowitz does not make the point crudely explicit; but it is there, between the lines, and so when he remarks that he is "(God help me) a moral relativist," it is merely a manner of speaking. What he meant was, "God help me—if there is a God." Or he may be invoking the definition of the Jewish atheist as the one who persistently worries what the God who doesn't exist expects him to do. In any case, he glides past that matter of atheism and merely insists on a "secular" morality, a morality that has nothing to do with God. Wherever he finds the ground of his judgments on the matters of right and wrong, he is adamant in rejecting any claim of "natural law" that seeks the standards of those judgments in "external sources such as God, nature, reason, or some notion of objective reality."

NOW THAT MAPS OUT A PROBLEM worthy of our most agile minds. The alternative to the natural law is the "positive law," the law that is posited, enacted, or set down in any place. As Dershowitz recognizes, the positive law simply reflects the opinions of right and wrong that prevail in any locale. And so he remarks that "the vast majority of 'rights' claimed in any society, including our own, have no basis outside of positive law." Does that imply that the others rest on sources of moral understanding outside the positive law? But he has emphatically rejected any such sources, and indeed he goes rather far toward absorbing the premises of cultural relativism: if a certain primitive tribe leaves their aged on icebergs to die, well then that "iceberg practice works—for them," and it has a claim to our respect because "[t]hey consider it fair and humane." At the same time, Dershowitz wants to find his own moral bearings by setting himself against the most dramatic evils—most notably against slavery and the Holocaust. And yet, by the premises of cultural relativism, the genocide in Germany, or the slavery in the American South, was morally tenable if the former was supported by the moral sentiments of Germans, or if slavery seemed to "work" rather well for the people in the American South. Plainly, Dershowitz will not accept any such conclusion. "[E]very reasonable person now recognizes that slavery was a grave injustice," he observes. And "no reasoned argument has ever been attempted on [behalf of genocide]." Reasonable? Reasoned argument? But Dershowitz has insisted that "reason" has no truths to disclose in the realm of morals. If it did, we would be back with the American Founders

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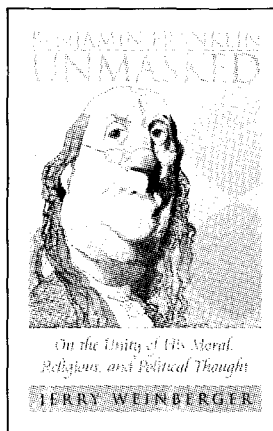
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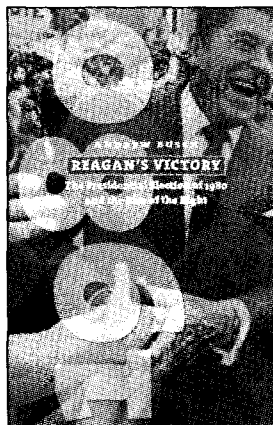
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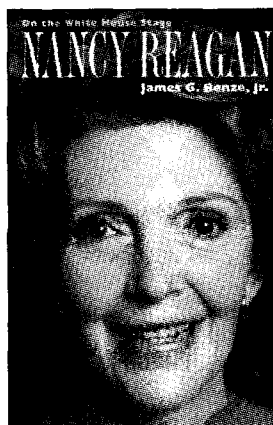
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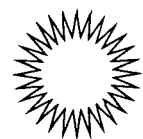
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and Aristotle—and their notion that the polity arises in the first place from the very nature of those creatures who can give and understand reasons over matters of right and wrong.

This moment of crisis in the argument is the moment that brings forth Dershowitz's invention, or his contrivance, of a moral theory. He professes not to know things that are "right" in principle, but he will make his way to moral judgments (as indeed others of us do) by beginning with the things that are "wrong." And in gauging wrongs he will fall back on the principles of "utility": genocide might have been thought defensible in Germany, and slavery right in America, but experience has shown, he says, that societies that practice genocide or accept slavery produce miseries on a vast scale. But miseries for whom? By a utilitarian measure, the Germans could have found it quite beneficial to remove the Jews from the professions and to distribute their businesses and their wealth to deserving Aryans. Yes, the Jews were killed, but as their property was distributed, the assets were spread about the country and the incomes of other people were raised. The campaign against the Jews might well have made Germans, in the aggregate, a happier, more cohesive lot. If the matter were left solely to the people on the scene, who was to say that genocide did not meet a utilitarian standard? Of course the experience bore no utility for the six million Jews killed in the Holocaust, but why did they count? On what ground were they to be regarded as "persons" whose injuries mattered in the world? Would we be silently slipping in the assumption that the lives of *all* human beings count? That is, are we backing into that notion of "all men are created equal"—that proposition that has, for Professor Dershowitz, no standing as a moral truth?

The question is hardly bizarre or out of place, for Dershowitz has shown how the same obfuscation takes place in our own country, even among the most liberal in our politics. He acknowledges that there are certain hard cases involved in abortion, but he has made it clear that he regards the right to abortion as a fundamental right, marking an expansion of rights under the Constitution. In celebrating this right, he has had to join his allies in masking from view the destruction of 1.3-1.5 million unborn humans every year for the past 30 years. Those lives do not seem to register as victims or "lives" because, somehow, they just don't count. Dershowitz remarks, in one of his strangest passages, that fetuses move, feel pain and are evidently "alive"—at least at a certain point in their development. But if the organism in the womb were not "alive" and growing, an abortion would be no more indicated than a tonsillectomy. And even a professor of law should know that, in the teachings of embryology, the organism does not undergo a change of species. That organism in

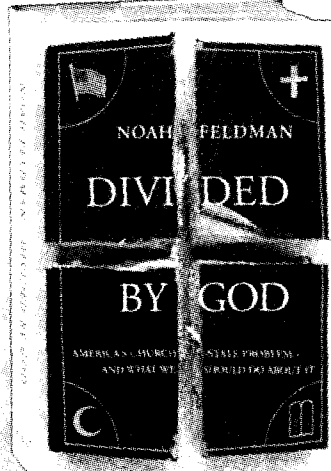
the womb cannot be anything other than alive and human, at every stage of its being.

**I**N ONE OF THE MORE INTERESTING PARTS of the book, Dershowitz challenges the claim, deeply absorbed by liberals, to have sovereignty over their own bodies. He would overturn the presumptive right of people to withhold the organs of their own bodies, at the time of their death, if those organs could be used to preserve or enhance the lives of others. But it is a curious turn, for if he would override the sovereign control of one's own body for the sake of extracting organs that may save lives, why would he not override that sovereignty when it comes, not merely to retrieving organs, but to saving the actual life of a child in the womb? Especially when that protection poses no danger to the health or life of a pregnant woman.

Again, we may ask, why would those unborn children, in wombs, not count in the reckoning of victims and the measure of "human rights"? One would think that the burden of justification would fall to anyone who would try to explain why the offspring of *homo sapiens* is anything less than human. This is not a side issue for Dershowitz, for he recognizes that in framing his own challenge to the policies of Nazi Germany, and indeed the murderous policies of other regimes abroad, he needs to appeal to a standard beyond the positive law of Germany or the Sudan or Serbia. He invokes then—no surprise—the notion of "international human rights." But if there are, strictly speaking, no "humans," identified by their nature, or rights that are true in all places, to what is he appealing? The answer, of course, is readily accessible to professors in law school: he is appealing to "positive international law and the norms of human morality." When he is moved to appeal outside the positive law of Nazi Germany or the Sudan, he appeals to a wider "positive" law, the positive law of a larger community, outside the nation-state. As he has instructed us, though, these "international human rights" have standing as rights only because they are *posited*, or set down in conventions signed in international forums. They reflect, that is, the opinions of people like Dershowitz, who get appointed to these meetings. He claims then that there is a "consensus" of societies

running against policies of genocide. Consensus? Among whom? Have the cattle and horses been asked? Or are the only relevant actors here those beings we recognize as "humans"? But all humans? Are the policies against genocide really rejected by everyone, including the thugs in Iraq, Syria, Iran, Zimbabwe, and Serbia? Not exactly; it is a consensus, he says, among the "civilized," just as "all civilized nations condemned what the Nazis were doing in the name of German law." And yet, how do we identify the "civilized" as opposed to the barbarians, especially if the difference, as he says, is a matter mainly of local preference? Dershowitz has made it abundantly clear that he rejects the notion of "objective standards," grounded in "reason," which allow us to make those kinds of discriminations.

In short, we find a massive begging of the question, and a theory that is constantly chasing its own tail: rights are derived from the awareness of "wrongs." But if we have no ground for identifying rights, we have no clearer ground for knowing "wrongs." We could appeal to standards of utility, but only after we explain just who are the persons whose interests and injuries count. And if there are no grounds for insisting that all human beings count, then utility would seem to offer merely a formula for the Right of the Strong: those with the power to have their will accepted as law will decide just who, among us, have lives that count. Those who order the abortions are the people who count, and the casual-



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ties simply don't weigh in the scale of things. And blacks in the South in the 1850s? They were not part of the political class; they were not part of the people whose consent had to be sought in a regime of elections.

ALAN DERSHOWITZ IS AN ACCOMPLISHED man of the law, but it would be hard to assemble a thicker compilation of mistakes about natural law than he has brought together in this slim book, in an ongoing diatribe against natural law. Every cliché is here, every sophomoric point of cleverness, without much awareness of the way these arguments have been addressed in the literature, or with no awareness of how thoroughly wrong, or even upside down, these arguments happen to be. He takes natural law to be bound up with claims of revelation, detached from reason. That claim is not even true about theology, as the former Cardinal Ratzinger has explained, and it is certainly not true about natural law. As Thomas Aquinas famously remarked, the divine law we may know through revelation, but the natural law we know through the reasoning that is accessible through the reason that is natural to human beings. There may be no better example of natural-law reasoning than that fragment Lincoln wrote to himself, when he imagined himself engaged in a debate with the owner of black slaves. He was putting the question of how one justified the ownership of another human being:

You say A. is white, and B. is black. It is color, then: the lighter having the right to enslave the darker? Take care. By this rule, you are to be slave to the first man you meet, with a fairer skin than your own.

You do not mean *color* exactly? — You mean the whites are *intellectually* the superiors of the blacks, and therefore have the right to enslave them? Take care again. By this rule, you are to be slave to the first man you meet, with an intellect superior to your own.

The upshot of course is that there was nothing one could cite to justify the enslavement of blacks that could not apply to many whites as well. At no point in the chain of reasoning was there an appeal to revelation. It was simply the model of a principled argument, and it could be understood across the divisions of religion. And so when Dershowitz says that he is offering a “secular” morality, he apparently does not understand that he is working precisely within the tradition of natural law, which has, in turn, also been shaped by our religious tradition. One thinks here, for example, of the Reverend Samuel Cooper, speaking at the inauguration of the new Massachusetts constitution in 1780: “We want not, indeed, a special

revelation from heaven to teach us that men are born equal and free; that no man has a natural claim of dominion over his neighbours.... These are the plain dictates of that reason and common sense with which the common parent of men has informed the human bosom.”

And what of those “self-evident” truths, ridiculed by Dershowitz? Of course, the founders never meant “evident” to every “self” who happened down the street. As Aquinas pointed out, “it [is] true for all that the three angles of a triangle are together equal to two right angles, although it is not known to all.” A self-evident truth was something that could be grasped as true *per se nota*, as something true in itself, with the force of an axiom. When it came to “all men are created equal,” it was a matter of grasping, with Aristotle, the distinctions that ran between humans and other animals. Even in this age of “animal liberation” the partisans of animal rights still do not sign labor contracts with their horses and cows. Nor do they seek the informed consent of their household pets before they authorize surgery on them. But we continue to think that beings who can understand reasons over matters of right and wrong deserve to be ruled with the rendering of reasons, in a regime that elicits their consent.

Dershowitz charges the founders with speaking nonsense when they talked of “unalienable rights”: every law restricts freedom, and every tax imposed by the law involves a taking of property. The founders surely understood all of that, just as they understood that a right to life did not mean that the government could insure life everlasting. But human beings deserve at least a moral reason, a justification, before their lives are taken in the form of punishments or put at risk in war. Let's say we discover one day that the fire department has blocked off access to our street because of a fire, and in another instance, thugs have barred blacks or Jews from entering their neighborhoods. We've had the wit in the past to recognize that the restriction of freedom in the first case is justified, while the restriction in the second case is not. The first involves restrictions that were put in place to guard the safety of others. The second involves unwarranted assaults. People of ordinary wit make distinctions of this kind every day, in a variety of settings. Dershowitz takes the point to mean that there are no fixed principles, that every moral judgment is contextual or contingent. But once again, he has it wrong or even backwards. Moral judgment is a matter of applying principles to concrete cases. The circumstances may change, but the principles of judgment remain the same. Some notable professors of law wondered how the courts could move from pronouncing on the wrong of racial segregation in schools to reaching segregation in swimming pools. Did we need a new constitutional “right

to swim”? Or did we merely have the same principle at work, covering every instance in which racial discrimination could be manifested?

One of the first principles, emerging from the very logic of morals, is that we do not hold people blameworthy or responsible for acts they were powerless to affect. The very logic of moral judgment must repel then every species of “determinism.” From knowledge of a person's race, from his height, his weight, his deafness, we can draw no moral inferences about the goodness or badness of that person, or whether he deserves rewards or penalties. If race “determined” or controlled our acts, none of us would be responsible for his own acts. None of us could be the subject of blame or praise. Where, then, would it be wrong to kill people on the basis of race, or assign benefits and disabilities to them solely on the basis of their race? Where would it be wrong to decide that a person afflicted with deafness has a life “not worth living,” that he could rightly have his life “terminated”? The answer, tendered in this tradition of moral reflection, is that these things would be wrong in all places where the laws of reason were intact. As wrong in Zanzibar as in Jersey City? The natives might not recognize the wrongness in all places, but that would have no bearing on the rightness or wrongness of the matter in principle. If the wrong was grounded in the laws of reason, then the wrong would hold its wrongness in all places, even in all “cultures.” It is worth noticing that Dershowitz does not claim that the absence of moral truths, or the emptiness of natural law, holds only in America. He claims to know that reason and nature disclose no moral truths anywhere, at any time. The proposition that “all truths are merely contingent” has, for him, no contingency about it at all. It will always be the case, in every setting, at any time. But if we can know things, true in all places, through the laws of reason, then that knowledge is anchored in truths outside ourselves, truths that we did not invent and cannot efface.

HOW COULD DERSHOWITZ HAVE BEEN so wrong on every aspect of these matters? The charitable answer is that this is not his usual field. He was operating out of the area of his main strength. Of course, with the recent experience of Professor Dershowitz's colleagues at the Harvard Law School, other explanations suddenly arise: Professors Tribe and Ogletree explained some egregious lapses into plagiarism by reporting that certain books of theirs were written in part by their student aides, with only a cursory review. A mischievous hypothetical: could it be that parts of Dershowitz's book are in conflict with one another because they were written by different hands? In a curious, telling passage, he refers to the author of the *Dred Scott* opinion as



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"Justice Roger Tawney," and to the author of the *Brown v. Board of Education* decision as "Justice Earl Warren." No one familiar with these cases, or the law, would have misspelled the name of Roger Taney; and he would have quickly corrected the text to read, in either instance, Chief Justice Taney and Chief Justice Warren. All of us need proofreaders, but there is a strong temptation to think that these pages were never read by anyone who had more than a passing acquaintance with the subject. The publisher, Basic Books, surely owed their author, and their audience, a better performance than this.

Professor Dershowitz, an estimable man, was ill-served both by his publisher and his friends,

who said extravagant things on the dust jacket but offered no help in warning him off his missteps. He showed high spirit in venturing into a field in which he had apparently not read deeply. But I take him as one I can talk with on many matters, a man who can be part of the conversation. His offerings could have been taken as an interesting first draft, while his friends urged him to try something more strenuous, and his publisher counseled, decorously, that he let the matter ripen for a while. To address the very grounds of our judgment on the things that are just and unjust is the central work for every teacher and commentator on the law. Dershowitz was right in thinking that everything

in his work had to lead him to this point. But he would gravely deceive himself, and put the wrong stamp on his own legacy, if he left his teaching in this condition. For Dershowitz, and for others of us who write on these matters, this is the ongoing work. And even if we never say all that needs to be said, or say it in exactly the right way, it is this work, more than others, that we need to get right.

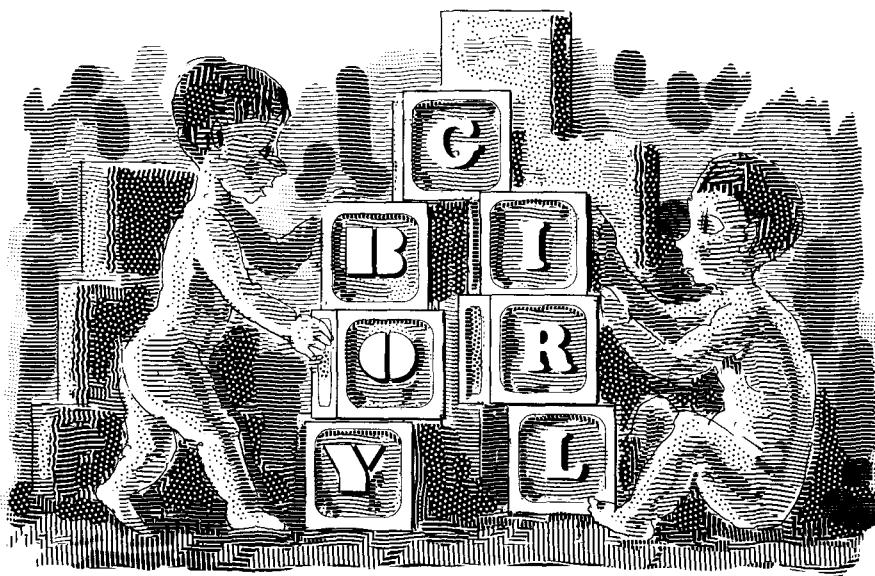
Hadley Arkes is the Ney Professor of American Institutions at Amherst College. Among his books are *First Things* (Princeton University Press) and *Natural Rights and the Right to Choose* (Cambridge University Press).

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Book Review by Steve Sailer

## BOYS WILL BE BOYS

*Why Gender Matters: What Parents and Teachers Need to Know about the Emerging Science of Sex Differences,*  
by Leonard Sax. Doubleday, 320 pages, \$24.95



UNTIL LAST WINTER, I HAD ASSUMED that fundamentalist feminism had peaked in the early 1990s with the Anita Hill brouhaha, and that Bill Clinton's political survival in 1998, which hinged on his near-unanimous support from hypocritical feminists, ended the era in which anyone took feminism seriously.

The Larry Summers fiasco, however, showed that while feminism may have entered its Brezhnev Era intellectually, it still commands the institutional equivalent of Brezhnev's thousands of tanks and nuclear missiles. After just a few days, Harvard President Lawrence Summers caved in to critics of his off-hand

comment that nature, not invidious discriminations alone, might be to blame for the lower percentage of women who study math and science. In short order, he propitiated the feminists by promising, in effect, to spend \$50 million taking teaching and research opportunities at Harvard away from male jobseekers and giving them to less talented women.

Perhaps in a saner society, then, we would have less need for Leonard Sax's engaging combination of popular science exposition and advice guidebook, *Why Gender Matters: What Parents and Teachers Need to Know about the Emerging Science of Sex Differences*. But parents as well as professors could benefit from it now.

Sax speaks of "gender" when he means "sex"—male or female. I fear, though, that this usage battle is lost because the English language really does need two different words to distinguish between the fact, and the act, of sex. Supreme Court Justice Ruth Bader Ginsburg claims her secretary Millicent invented the use of "gender" to mean "sex" in the early 1970s while typing the crusading feminist's briefs against sex discrimination. Millicent pointed out to her boss that judges, like all men, have dirty minds when it comes to the word "sex," so she should use the boring term "gender" to keep those animals thinking only about the law.



Unfortunately, "gender" now comes with a vast superstructure of 99% fact-free feminist theorizing about how sex differences are all just socially constructed. According to this orthodoxy, it's insensitive to doubt a burly transvestite truck driver demanding a government-subsidized sex change when he says he feels like a little girl inside. Yet it's also insensitive to assume that the average little girl feels like a little girl inside.

Fortunately, Sax, a family physician and child psychologist, subscribes to none of the usual cant. Indeed, I thought I was a connoisseur of sex differences until I read *Why Gender Matters*, where I learned in the first chapter, for instance, that girls on average hear better than boys, especially higher-pitched sounds, such as the typical schoolteacher's voice, which is one little-known reason girls on average pay more attention in class.

Males and females also tend to have different kinds of eyeballs, with boys better at tracking movement and girls better at distinguishing subtle shades of colors. Presumably, these separate skills evolved when men were hunters trying to spear fleeing game and women were gatherers searching out the ripest fruit. So, today, boys want to catch fly balls and girls want to discuss whether to buy the azure or periwinkle skirt. Cognitive differences are profound and pervasive. Don't force boys to explain their feelings in great detail, Sax advises. Their brains aren't wired to make that as enjoyable a pastime as it is for girls.

AS FOUNDER OF THE NATIONAL ASSOCIATION for Single-Sex Public Education, Sax's favorite and perhaps most valuable theory is that co-educational schooling is frequently a mistake. He makes a strong case, especially concerning the years immediately following puberty. He cites the experience of two psychologists studying self-esteem in girls. They went to Belfast, where children can be assigned fairly randomly to coed or single-sex schools:

They found that at coed schools, you don't need to ask a dozen questions to predict the girl's self-esteem. You have to ask

only one question: "Do you think you're pretty?"

Similarly, the Coleman Report found, four decades ago, that boys put more emphasis on sports and social success in coed schools, and less on intellectual development. Sax argues:

Here's the paradox: coed schools tend to reinforce gender stereotypes.... There is now very strong evidence that girls are more likely to take courses such as computer science and physics in girls-only schools.... Boys in single-sex schools are more than twice as likely to study art, music, foreign languages, and literature as boys of equal ability attending comparable coed schools.

Noting that the Department of Education projects that by 2011 there will be 140 women college graduates for every 100 men, he asks, "I'm all in favor of women's colleges, but...why are nominally coed schools looking more and more like all-women's colleges?"

So far, the decline of male academic achievement in the U.S. is mostly among blacks and Hispanics, but the catastrophic downturn into "laddism" of young white males in England in recent years, and their consequent decline in test scores, shows that no race is permanently immune to the prejudice that school is for girls.

Of course, American schools have long been taught largely by women, and boys and schoolmarms have not always seen eye-to-eye. But the rise of feminism has encouraged female teachers to view their male students as overprivileged potential oppressors. Further, feminism justifies teachers' self-absorption with female feelings. Thus, a remarkable fraction of the novels my older son has been assigned to read in high school are about girls getting raped. I hope it hasn't permanently soured him on fiction.

We've now achieved the worst of both worlds: the educational authorities are committed to anti-male social constructionist ideology, but the pop culture market delivers the crudest, most sexualized imagery. The irony is that when the adult world imposes gender

egalitarianism on young people in the name of progressive ideologies, it just makes the young people even more cognizant of their primordial differences.

SAX'S BOOK OFTEN RESEMBLES A NONFICTION version of Tom Wolfe's impressive novel *I am Charlotte Simmons*. What's most striking about Wolfe's merely semi-satirical portrait of Duke University is how, after 35 years of institutionalized feminism, student sexuality hasn't evolved into an egalitarian utopia. Instead, it has regressed to something that a caveman would understand—a sexual marketplace where muscles are the measure of the man.

Not all of Sax's arguments are so dependable. For instance, he is far more confident that homosexuality is substantially genetic in origin than is the leading researcher he cites in support of his assertion, J. Michael Bailey of Northwestern University. Bailey has publicly noted how challenging he has found it to assemble a reliably representative sample of identical and fraternal twins for his homosexuality studies. Further, Bailey is troubled by the fundamental objection that natural selection would, presumably, cause genes for homosexuality to die out. Sax, though, races past these prudent concerns.

Still, this is a better than average advice book for mothers and fathers. Most parenting books are unrealistic because they overemphasize how much parents can mold their children's personalities. Raising a second child, with his normally quite different personality, typically undermines parents' belief in their omnipotence, but most child-rearing books hush this up because their market is gullible first-timers. Fortunately, by emphasizing how much you need to fine-tune your treatment to fit your child's sex, *Why Gender Matters* injects some needed realism into the genre.

But Sax's bulletproof confidence in his own advice gives me pause. Sixteen years of fatherhood have left me less confident that I know what I'm doing than when I started, but he doesn't suffer from any such self-skepticism.

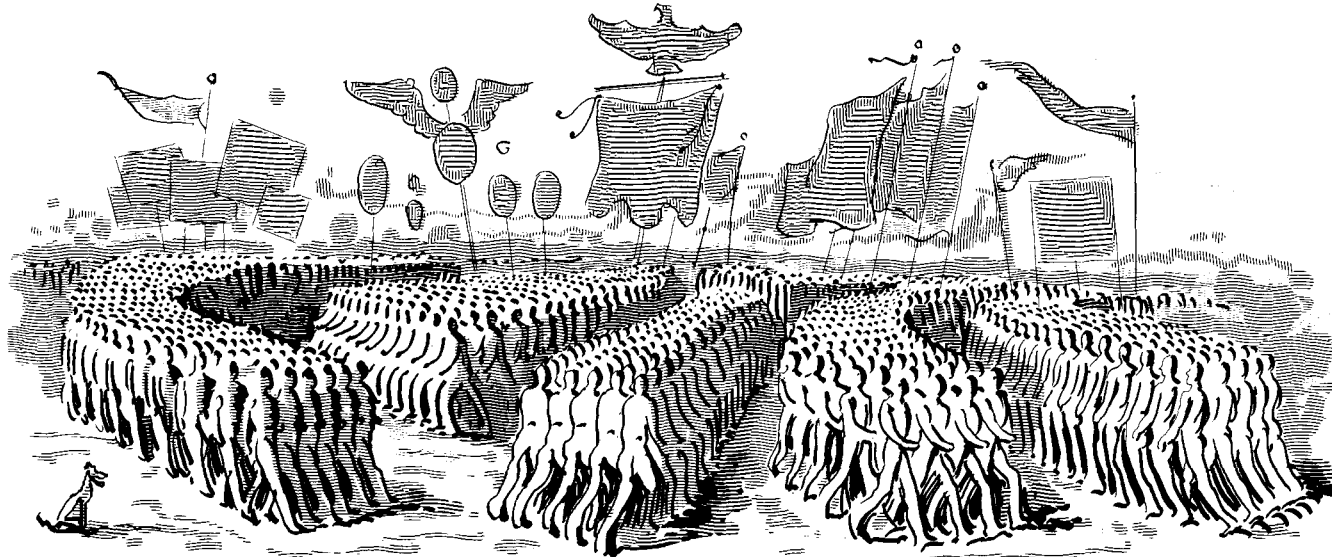
Steve Sailer is the film critic for *The American Conservative* and a columnist for *VDARE.com*.



Book Review by Mark Blitz

# INVOLUNTARY ASSOCIATIONS

*Politics and Passion: Toward a More Egalitarian Liberalism,*  
by Michael Walzer. Yale University Press, 208 pages, \$25



MICHAEL WALZER'S NEW BOOK, *Politics and Passion*, belongs to a vigorous debate among liberal political theorists that has bypassed most conservatives. Even when we discuss similar issues, our orientation, references, and concerns differ. Indeed, the book reminds us, usefully, how a large segment of the liberal-left now talks.

Walzer's thoughts come from someone whose independence and intelligence make him a force in his own right, however; so his arguments are not merely emblematic but individual. They eschew concocted illustrations and technical analysis to concentrate instead on major themes and what he believes are factual examples. Unlike thousands of younger liberal-left theorists, moreover, he does not feel obliged to trace his every thought, faithful or transgressive, to father John Rawls, as if he were a maiden honoring the potent Maypole in convoluted dance.

Walzer's book stems from his well-known (in his circles) 1990 paper, "The Communitarian Critique of Liberalism." The book has three main purposes. One is to reassert the importance of groups and group identity, especially of what Walzer calls "involuntary associations" in liberal democracies. We are not born as isolated individuals, but with belongings and attachments. A second is to use this idea to press for the greater equality for which, as a democratic socialist, he always has argued, because inequality attaches not only to isolated individuals, but also to the associations that help to define them.

A third is to criticize the excesses of the liberal "deliberative democracy" movement that he correctly identifies as the American domestication of Habermas's abstraction. If we take these elements together, especially the first and third, we find ourselves defending some of what is irrational or passionate about politics, as opposed to cold, individual calculation and deliberation. Hence, *Politics and Passion*.

Involuntary associations are groups into which we are born, such as ethnic or religious groups, not ones we choose. Because we all are born into such groups, the notion that in liberal societies every association is joined voluntarily is for Walzer a myth or, at least, an overstatement. Being born into such groups affects one's equality because some groups face a tougher time than others: "No Irish need apply." It is, therefore, not enough to equalize people's chances as individuals, because they never are seen as themselves alone but also as blacks, Jews, women, and so on. More than this, the liberal picture is problematic or, indeed, unfair for groups that need total or at least significant control to reproduce their way of life, groups that cannot allow their members to act or conceive of themselves as independent individuals. Walzer proposes to give groups greater, but not illiberally stultifying, strength by having government channel cradle-to-grave life cycle services through them, providing more to the poorer groups. He hopes or presumes that this "meat and potatoes multiculturalism" will make us more equal.

Walzer's argument rests on what he thinks of as sociology, that is, general views of how groups work and of liberalism's effect on them. He does not, however, actually examine, say, today's Mormons or Amish, the path taken by immigrant Jews or Italians, or the current developments among different Hispanic, Asian, or South Asian populations in the United States or elsewhere. Moreover, when he mentions the groups that he thinks are poor and stigmatized in today's America—blacks and Native Americans—he does not even begin to try to account for the wide disparities in achievement among blacks, the actual record of ethnic-neighborhood empowerment in Johnson's Great Society, the effects on Native American poverty of casino wealth, differences among tribes, or a host of other concrete matters. The absence of facts makes for unconvincing sociology.

Walzer's argument also rests on a rather extreme view of liberalism. As he interprets (or somewhat caricatures even) Rawls's version, liberals believe or hope that each of us someday will be a completely independent individual, the absolute arbiter of his own life-plan, creator of his own self, all of whose associations are voluntary. The Supreme Court's infamous opinion in *Planned Parenthood v. Casey* (1992) expresses a version of this view, as it has migrated from rococo feminist fantasy to vulgar law school cartoon: "At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life."



To this radical-feminist, academic-poetic, or vaguely democratic-Nietzschean dream, Walzer opposes the reality of his involuntary groups. The effect is similar to what occurred when liberals opposed an idealized bureaucracy, which they pretended was real, to actual markets in their ugliest forms, in order to show how much better government is than markets. It also is similar to the way that some conservatives oppose an idealized free market, which they pretend is real, to actual government in its greatest stupidities, in order to show how worthless anything is but markets and the motive of wealth. Walzer takes a liberalism more bereft of attachment than anything Locke and the American Founders defended, Tocqueville described, or that one actually sees today and opposes to it an overly airbrushed version of group definition and control. This exposes some of his opponents' blind spots and promotes some of his own strengths, but the overall result is misleading.

In a sense then, much of Walzer's book is a solution—greater equality through government-subsidized meat and potatoes multiculturalism—in search of a problem. He does not show why our current regime of individual choice does not produce appropriate loyalty to appropriate groups; dig down to the specific levels where group stigma actually may remain damaging; or make a case why we should be unhappy that life in the tolerant United States is

difficult for totalizing communities. Oddly, he therefore never describes just what about inequality, and how much of it, is harmful and, thus, why his solutions are best. Perhaps some combination of school choice and decreased regulation, from the Right, and higher taxes for the very rich, from the Left, would do the trick.

**I**F ONE DOES NOT AGREE THAT WALZER makes involuntary groups seem more desirable than they are, one should at least agree that his discussion of them is vague, not just factually but conceptually. What are they exactly, and who speaks for them? Sometimes he has in mind groups as broad as race and gender. Other times he has in mind groups as narrow as the American Amish. Occasionally he has in mind religion in general, orthodox groups in Israel, or a faith such as Catholicism.

This conceptual vagueness often makes it difficult to know what to make of his argument. As Walzer recognizes, some of these groups control their members' lives more than others, and their leaders want to keep it so. Why, however, should an Amish child be a pawn of his elders' wishes, or sacrificed to the small-group, small-town sentimentalities of cosmopolitan academics? If the child's group, with all its power, and with a government such as ours that is not bent on destroying or even very much controlling it, is insufficient to hold his complete

loyalty, why should we be responsible for helping the group's leaders or spokesmen maintain their dominance? Walzer would, for the sake of furthering some liberal practices (equal education of men and women, for example) not allow state subsidies to groups that violated these practices. Why should we subsidize them in the first place, or allow them to deviate from effecting equal rights? In his wish to recognize the reality of associations, Walzer sometimes is too forgiving of illiberalism.

If we focus on large groups such as race, gender, and faith broadly defined, the analysis is odd in a different way. It is, as we said, unclear why any of our sympathies should rest with, say, those particular Muslims (for what else could Walzer mean when he says that "the group" wants this or that?) who want more and more control rather than with those who long for liberation. Unclear also is why we should allow the self-proclaimed spokesperson for blacks or women to tell us what the group wants and then encourage members to receive services, or even define themselves, primarily in that way. In these cases, we lack the excuse of the more organic totality of small, particular, churches and neighborhoods. We lack as well any good argument why someone should (or does) think of herself primarily as a woman and not a Catholic, lawyer, Irish American, and so on. Walzer himself notes this, but this does not make his argument more precise. For if we are



## MAKE THE PLEDGE

Our country is at war, and at the heart of a successful war effort must be the political conviction that this country is worth fighting and dying for. This conviction is repugnant to America's cultural, intellectual, and academic establishments, which have (with great success) taught a generation of Americans that "one man's freedom fighter is another man's terrorist." American citizens need to understand what it is that America stands for, what it is about America that deserves what Lincoln called at Gettysburg "the last full measure of devotion."

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compounded from many groups, is not the individual who associates voluntarily the primary fact, even when she chooses to dwell within the ties into which she is born?

Although we belong from the start to certain associations (and have certain talents), some of them are easier to shrug off than others. It is easy enough to stop going to church, to move out of town, to choose a better or worse job than one's parents did, and, except if one is an academic, to vote for a Republican or marry one. These free steps may require gumption and luck but not prodigies of spirit or talent. It is, by contrast, not yet possible to become Heifetz or Einstein at will, although not so hard to become better educated. Race and gender are impossible (now) to change completely, but a single race is in any event an increasingly difficult category to apply to any individual, and even gender already can be changed, externally. Should we, then, determine ourselves more by what we cannot change—talents and their best use, as well as original associations—or by what we can? Walzer would like us to be loyal to the groups that (helped) make us what we are, whether we chose them or not. There is something to this fidelity, of course, but he does not succeed in showing when and where our involuntary ties should guide us more than our voluntary ones. A significant discussion of natural limits, not merely historical ones, is struggling to take flight within an argument that, however intelligent, is overly determined by his political commitments and intellectual audience.

The meat and potatoes part of Walzer's desire to enhance groups' standing also is vague. He may have in mind targeted welfare (faith-based initiatives directed only at those of one's own faith?), but welfare should be self-overcoming, not perpetual. He surely cannot mean laws that require that one earn one's living in a particular place or be married or buried only by one's original church. The harmful illiberalism of such suggestions vastly outweighs their putative value in dealing with a vaguely stated problem. He may have in mind vouchers or other mechanisms that advance private

schooling: he puzzles about what the state's citizenship requirements allow it to demand of schools' curricula. But he does not support state funding of private schools in so many words. In any event, a voucher one can use only for schools appropriate to what the law determines is your child's faith, race, or other group-identity also would be breathtakingly illiberal. The less restrictive "conservative" measures of individually controlled school vouchers, faith-based welfare, and greater federalism within an open economy strike a better balance between advancing liberal freedom and protecting mediating institutions.

ONE SEES IN WALZER'S BOOK AN ATTEMPT to complicate the liberal notion of what is right and good by introducing certain elements of "one's own." This is healthy within limits, for he recognizes and seeks to preserve the importance of religious, traditional, and other involuntary attachments. The major difficulty with his discussion, however, is that he does not examine or elaborate the argument for natural rights, or examine with care what makes our individual choices, or the choices of groups to which we belong, worthwhile. Rather than defending natural rights, he makes the state's liberalizing and enlightening interests rest on citizenship. He then uses citizenship requirements to oppose cultural ties he finds offensive. But democratic citizenship is too thin a reed on which to rest our freedoms. The sheer fact of equal voting in a state does not by itself require very much liberalism or enlightenment, especially if more and more choices are made through groups that may not be very democratic. Walzer's approach loses or at least covers up the purpose of democratic citizenship, namely, the expansion and protection of equal rights. My justification for alleviating your moral and intellectual degradation is not limited to the fact that we will be voting together.

Liberal rights and liberal regimes are not merely things that we happen to prefer, to which illiberal groups that operate in their midst must accommodate themselves, and we to them.

There are reasons that we choose liberalism and that justify our (we hope responsibly executed) wish to liberalize the illiberal. These reasons are inseparable from individuals who stand apart from every group, not "sociologically" but in their rational freedom and pride. Liberalism attempts to elevate our attachment to our own free self into a rational understanding of the rights that constitute this self, and the character and competition that best develop and satisfy it. However much the individual belongs to associations, he is freely in tension with them, potentially more cosmopolitan and normally more self-interested. The ethnic, religious, and neighborhood groups that help convey our self-interest and develop our intellectual and moral independence are healthiest when they abet, but do not seek to replace, the natural, individual ground of self-interested satisfaction, or the rational ground of cosmopolitan openness.

These points may seem too theoretical, even if one largely agrees with them. They do make a practical difference, however. Liberal democracy will not sustain itself if it does not believe itself to be rationally defensible; attempts to "thicken" it that occlude the clarity of its principles—that depart too far from individual rights—are unnecessarily risky. They incorrectly make it look too arbitrary or too low. Because Walzer concentrates on groups and citizenship, moreover, he pays too little attention to the content of liberal character. (His few remarks do not constitute an argument.) The tolerant, industrious, decent, and responsible individual is a worthy goal, however—not just a liberal necessity. The fact that his attachments are voluntary in principle will square well enough with the loyalty and good sense to which his character will dispose him in practice. This is not to say, however, that the truth of natural rights is sufficient on its own to distinguish in each case genuine happiness from false contentment.

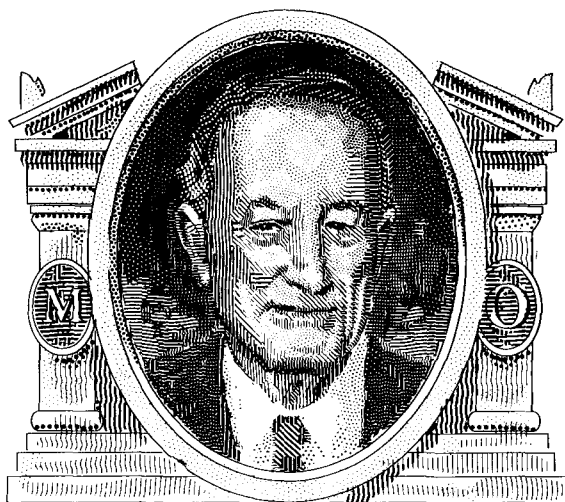
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Book Review by Robert Devigne

## TALKING POLITICS

*Michael Oakeshott: An Introduction*, by Paul Franco.  
Yale University Press, 224 pages, \$30



FOR NEARLY SIX DECADES MICHAEL Oakeshott taught political philosophy at the London School of Economics and at Cambridge University. He was born in 1901 and died in 1990, living through the most important events of the 20th century: the two world wars, the defeat of fascism, the rise and fall of Communism, the decline of Britain as an imperial power, and the ascent of the United States as a superpower.

Inside the British academy during this time, especially during the decades surrounding World War II, the most notable thinkers—Harold Laski, Isaiah Berlin, Karl Popper, and Michael Oakeshott himself, to name just a few—disputed the relation between philosophy and politics, the nature of liberty, the advantages and disadvantages of tradition, the meaning of history, the tension between a planned society and freedom, the possibility of a middle or third way between a liberal order and Communism, and the role of authority in a free society. Paul Franco's book engages all of these vital questions.

This is Franco's second book on Oakeshott. In 1990, he published *The Political Philosophy of Michael Oakeshott*, a splendid study that quickly became the standard academic guide. The new book, designed to make Oakeshott's thinking accessible to individuals who do not specialize in political philosophy, benefits from posthumously published lectures and essays by Oakeshott, which illuminate his works as well as analyze topics not hitherto addressed. This also is a more mature book on Oakeshott. For

while he remains sympathetic to Oakeshott's goals, Franco points to tensions and movement in the Englishman's thinking that did not figure in the earlier study.

A professor of government at Bowdoin College, Franco begins by examining Oakeshott's early and middle works, written from the 1920s through the 1950s, explaining in depth Oakeshott's well-known claim that philosophy is incapable of contributing to the practice of politics, a position often ridiculed by critics on both the Left and the Right.

Deeply influenced by Hegel, F. H. Bradley, and other thinkers of the idealist tradition, Oakeshott asserted that human judgments require the subordination of reality to ideas. Philosophy, in his view, analyzes the different types of understandings that serve to organize behavior and create a coherent reality: scientists assume a body of knowledge when conducting experiments; historians assume a different body of knowledge when explaining an event; and practitioners assume yet another when engaging in practical activities.

Each activity has its own characteristic customs, traditions, rules, or maxims, which integrate the individual into society by establishing standards of good and bad conduct. An individual's will, explained Oakeshott, whether expressed in a scientific experiment or a historical study, gardening or shopping, acts in the contexts of the beliefs and patterns that structure his mind.

Oakeshott rejected the notion that philosophy is a privileged form of knowledge that

dictates to inferior kinds. A civilized society is a kind of conversation among a variety of human activities, each speaking its own language. Within this conversation, the philosopher studies the understandings that animate the different languages or types of human conduct. In addition to investigating the assumptions of these various practices, philosophy also turns inward and critically assesses the premises it adopts in studying others: it is boundless theorizing, the relentless critique of assumptions. Oakeshott argued that the philosopher attempts to comprehend an absolutely coherent and complete world of experience, a world in which the real, whether profound or profane, is rational.

Hence Oakeshott's position that a philosophy of politics can identify—but not create—the assumptions upon which political activities are based. Strictly speaking, a philosophy of politics is irrelevant to political practice. Indeed, the failure to respect disparate types of traditions and social maxims is the great temptation in modern politics, according to Oakeshott. Political philosophers and practitioners—most notably those who are attracted to scientific outlooks—fail to recognize that the distinct practices of production, education, art, health, and so forth are driven by patterns that are radically alien to each other and to the presuppositions of science. Consequently, when the state attempts to direct different types of human conduct toward rationalist political goals, the practices lose their coherence and efficacy, and society its freedom.





PROPOS OF THE LATER WORKS, FRANCO identifies a subtle shift in Oakeshott's critique of modern politics: his new focus turned to moral conflict, not epistemological confusion, as the great problem. Beginning with essays in the late 1950s and culminating in the magisterial *On Human Conduct*, published in 1975, Oakeshott explained that the primary impetus to modern Western political thought was the breakdown of late medieval communal organizations, which produced a political division between moralities of individualism and anti-individualism.

In Oakeshott's view, the underlying context of modern Western political thought is these two contending moralities. From the morality of individualism springs the politics of what he calls *societas*, which seeks to specify and limit the functions of government out of fear that a large concentration of power threatens human freedom and dignity. Oakeshott identified Montesquieu, Hobbes, Jean Bodin, Spinoza, and Hegel as the most accomplished architects of this school of thought. (He includes the American Founders as well.)

From the morality of anti-individualism, by contrast, issues the politics of *universitas*, an attempt to use state power and technology to alleviate humanity's weaknesses and fears, as well as to organize society as a common enterprise. The founder of this outlook was Francis Bacon, who envisioned the state as a corporate enterprise for the exploitation of the earth; it was further developed by Henri de Saint-Simon, Charles Fourier, Robert Owen, Karl Marx, and Sidney and Beatrice Webb. These two competing schools of *societas* and *universitas* have fostered an ambiguous Western political tradition, breeding confusion over the meaning of democracy, liberty, law, and the common language of politics.

To be sure, Oakeshott's loyalty in regard to this division is clear. Franco explains cogently how the late Oakeshott devoted an enormous amount of energy to identifying an ideal picture of "civil association," in which morality and laws specify a framework within which individuals and associations interact, but do not specify substantive goals and actions. This *societas* is an association in which members are joined not in the pursuit of common goals but in the common

recognition of (non-instrumental) rules of conduct. Nonetheless, Franco observes that Oakeshott stuck to his position that the philosopher must remain separate from political practice. He did not urge the philosopher to contribute to a political outlook that would resolve the equivocal character of Western political thinking.

Indeed, far from arguing for the victory of *societas* over *universitas*, Oakeshott claimed that each contending view is incomplete. For example, the politics of *societas* calls for establishing formal rules and habits to ensure authority and freedom, yet this outlook may contribute to political problems because it responds too slowly to changing circumstances and emergencies. Here the politics of *universitas* or what he terms "enterprise association" provides a needed corrective insofar as it tends to bring energy and enthusiasm to government. Oakeshott did not go so far as to suggest that either viewpoint is endemic to human nature, but he implied that there is a pendulum effect in modern politics because the weakness of each tends to create movement back to the other. On all of this, Franco is a deft commentator.

OAKESHOTT PROPOSED THAT THE 20th century had been dominated by the politics of *universitas*. He refuted the view—prevalent during much of the century—that this development was inevitable and he looked forward to the politics of *societas* regaining ground in the future. Still, he never established the proper relation between these different modes of association within a political regime. As Franco puts it, "In the end, [Oakeshott] does not give us much guidance on the practical and contingent question of what the appropriate mixture of civil association and enterprise association, *societas* and *universitas*, should be in the modern state."

Franco's identification of the shifts in emphasis in Oakeshott's later thinking raises the questions: Could the late Oakeshott be concerned with stimulating and preserving, and not solely understanding, the outlooks that animate human conduct? Did he think that the philosopher contributes to the practices of a society in the long run, suggesting that his argument for a separation of philosophy and politics was meant only in the narrower, everyday sense?

Oakeshott provided a hint of an answer to these questions, notes Franco, in an essay published posthumously, "The Claims of Politics," in which Oakeshott argued that direct political involvement yields only superficial influence. Thus the artist, poet, and philosopher should refrain from politics and remain true to their calling. "Societies," Oakeshott summarized, "are led from behind, and for those capable of leadership to give themselves up to political activity is to break away from their genius." The task of these thinkers is "to create and recreate the values of society...to mitigate a little their society's ignorance of itself." Political philosophy, in the late Oakeshott's view, plays a unique role: it reflects on, evaluates, and helps shape the moral outlooks of modernity.

AS ATTRACTIVE AS HE SHOWS OAKESHOTT'S political philosophy to be, Franco reveals that it is not without its problems. To state one as succinctly as possible: Oakeshott ignored the difficulty—identified by Tocqueville and other commentators on liberalism—that societies organized around the goals of civil peace and free human conduct tend toward listlessness and need to be complemented by practices and beliefs that support high ambitions, the pursuit of distinctiveness, and the self-respect that engenders human excellence. Franco is unable to explain why Oakeshott never addressed this topic, and notes that many conservative thinkers in America influenced by Leo Strauss criticize Oakeshott for this lacuna.

Different aspects of Oakeshott's political philosophy have made it possible for him to be read as a liberal, pragmatist, historicist, existentialist, or postmodernist. *Michael Oakeshott: An Introduction* will not make it easy to fit his thinking into a neat political category, but this book will enable us to appreciate his stimulating complexity.

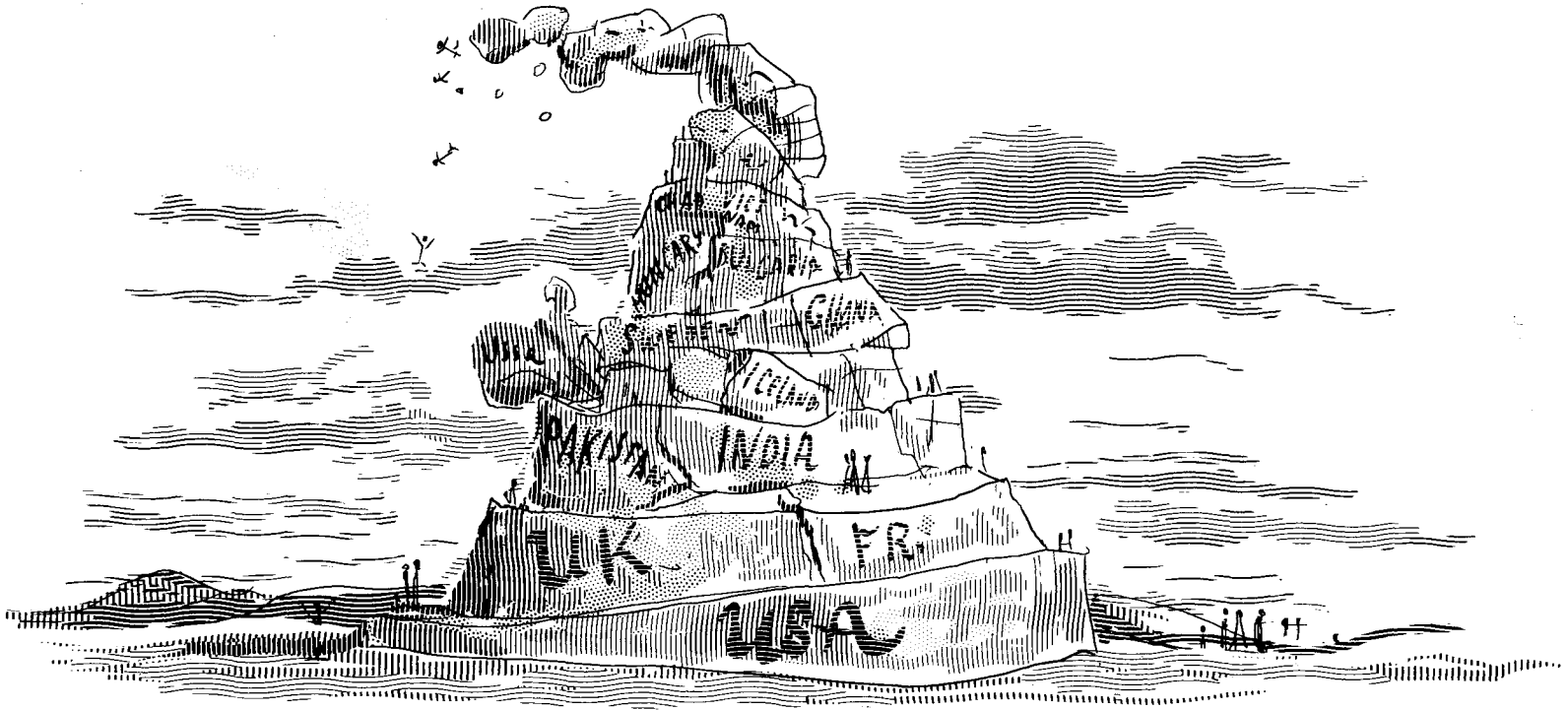
Robert Devigne is associate professor of political science at Tufts University, and the author of *Recasting Conservatism: Oakeshott, Strauss, and the Response to Postmodernism* (Yale University Press), and the forthcoming *Reforming Liberalism: J.S. Mill's Use of Ancient, Religious, Liberal, and Romantic Moralities* (Yale University Press).



Book Review by Frank J. Gaffney, Jr.

## BAD COUNCIL

*Tower of Babel: How the United Nations Has Fueled Global Chaos*, by Dore Gold.  
Crown Forum, 320 pages, \$25.95 (cloth), \$14.95 (paper)



DORE GOLD'S *TOWER OF BABEL* IS AN invaluable dissection of the founding purposes, subsequent evolution, and current character of the United Nations. A former Israeli ambassador to the U.N., he makes clear early and often his central thesis: the organization was founded with one set of expectations, has dramatically lost its way over the past nearly 60 years, and is consequently in desperate need of systemic reform. As he puts it:

In the biblical story of the Tower of Babel, the nations of the world initially spoke one language but lost their unity of purpose when this changed. In the case of the U.N., member states all spoke the same political language at the beginning, but as new members flooded into the organization, they brought with them their own political languages—that is, completely different values and concepts of international morality.

President Bush has struck a similar theme in each of his recent annual appearances before the U.N. General Assembly. As he reminded the gathered heads of state, diplomats, and international bureaucrats on September 21, 2004:

Both the American Declaration of Independence and the Universal Declaration of Human Rights proclaim the equal value and dignity of every human life. That dignity is honored by the rule of law, limits on the power of the state, respect for women, protection of private property, free speech, equal justice, and religious tolerance. That dignity is dishonored by oppression, corruption, tyranny, bigotry, terrorism and all violence against the innocent. And both of our founding documents affirm that this bright line between justice and injustice—between right and wrong—is the same in every age, and every culture, and every nation.

Actually, both Bush and Ambassador Gold exaggerate the nobility of the U.N.'s founding principles, which perforce were compromises negotiated with the Soviet Union, one of the original allied powers. Still, in order to be a founding member, Gold avers, at least "a state had to have declared war on at least one of the Axis powers." For this reason, Winston Churchill preferred to call it the "Allied Nations."

It followed, necessarily, that "the early U.N. could define for itself who was the aggressor

and who were the allies resisting aggression." As the membership changed over time, however—thanks to the combined effects of European decolonization and Soviet imperialism—the majority of votes in the General Assembly fell into the hands of dictators and totalitarian regimes. The new states all too often "wanted international rules that would suit the needs of dictatorships, rather than democracies." The result was that "the U.N.'s early moral clarity was replaced with a corrosive moral equivalence." According to Gold, this sea-change was evident as early as 1948, when the first Arab-Israeli war and the Indo-Pakistani conflict over Kashmir erupted. In both cases, the U.N.'s inability to distinguish aggressor from victim contributed materially to the conflicts' persistence and bloody intensification.

GOLD COVERS FAMILIAR GROUND IN EXAMINING how the Soviet Union used its working majority and veto during the Cold War—at best to paralyze the U.N., at worst to imperil freedom-loving nations. The single exception was in response to Communist North Korea's invasion of the Republic of Korea to its south. Having boycotted the U.N. for its refusal to recognize the Communist con-





quest of mainland China, the Kremlin found itself unable to block U.N.-authorized military action to defend South Korea.

This was precisely the kind of thing that the U.N.'s founders—at least most of them—meant it to do. But even in the Korean case, the U.N. had failed, Gold argues, because it “had not deterred North Korea from taking offensive action in the first place.” He concludes that Kim Il-Sung and his Soviet master, Joseph Stalin, delighted by the U.N.'s feckless response to the Arab-Israeli and Kashmiri conflicts, had bet that the world body would again fail to act decisively.

Gold attributes the U.N.'s dismal performance in the major post-Cold War crises (notably in Rwanda, Bosnia, Afghanistan, and the second Iraq war) mainly to the organization's chronic “moral equivalence.” In its “repeated pursuit of ‘impartiality,’ the U.N. actually has taken sides—in effect joining the aggressors and the abusers.” Matters have been made worse by the multiplication of new entities like the politicized International Court of Justice and the International Criminal Court.

Lately, this problem has become sufficiently

acute that the U.S. military has coined a term for it: “lawfare,” a form of asymmetric warfare waged by relatively weak states in order to constrain the freedom of action of more powerful ones. Gold neglects to mention similar dangers associated with another U.N. convention—the Law of the Sea Treaty, with its own Tribunal—that the Bush Administration unfortunately has urged the U.S. Senate to approve “as soon as possible.”

In light of these realities, Gold urges the formation of a new, standing democratic coalition outside of and operating parallel to the U.N. Such a coalition would “embrace the principles laid out in the U.N. Charter and insist that members of the coalition fully adhere—not just give lip service—to a basic code of international conduct.” As for reform of the U.N., *Tower of Babel* has few concrete prescriptions, beyond noting that the U.S. should “work within” the organization over the long term in order “fundamentally [to] alter the voting patterns of the U.N. General Assembly member states.” Until such a transformation is accomplished—presumably through changes that make the governments casting such votes more

peaceable, democratic, and supportive of freedom—he recommends confining the U.N. to humanitarian work.

**T**HE BUSH ADMINISTRATION, CONGRESS, and the American people would be well advised to take to heart Dore Gold's unblinking assessment. What ails the U.N. is not primarily the number of permanent members of the Security Council, bureaucratic inefficiencies, or even the problem of corruption from which Kofi Annan would have us avert our eyes.

What has made the U.N., at its worst, an enabler of repression, aggression, and terror around the world is the dominant influence within it of regimes with an ill-disguised hostility to freedom and to democratic government itself. Unless this aspect of the U.N. can be fundamentally and permanently corrected, the last thing we should want is a stronger U.N.

*Frank J. Gaffney, Jr., held senior positions in the Reagan Administration's Department of Defense, and is currently President of the Center for Security Policy in Washington, D.C.*

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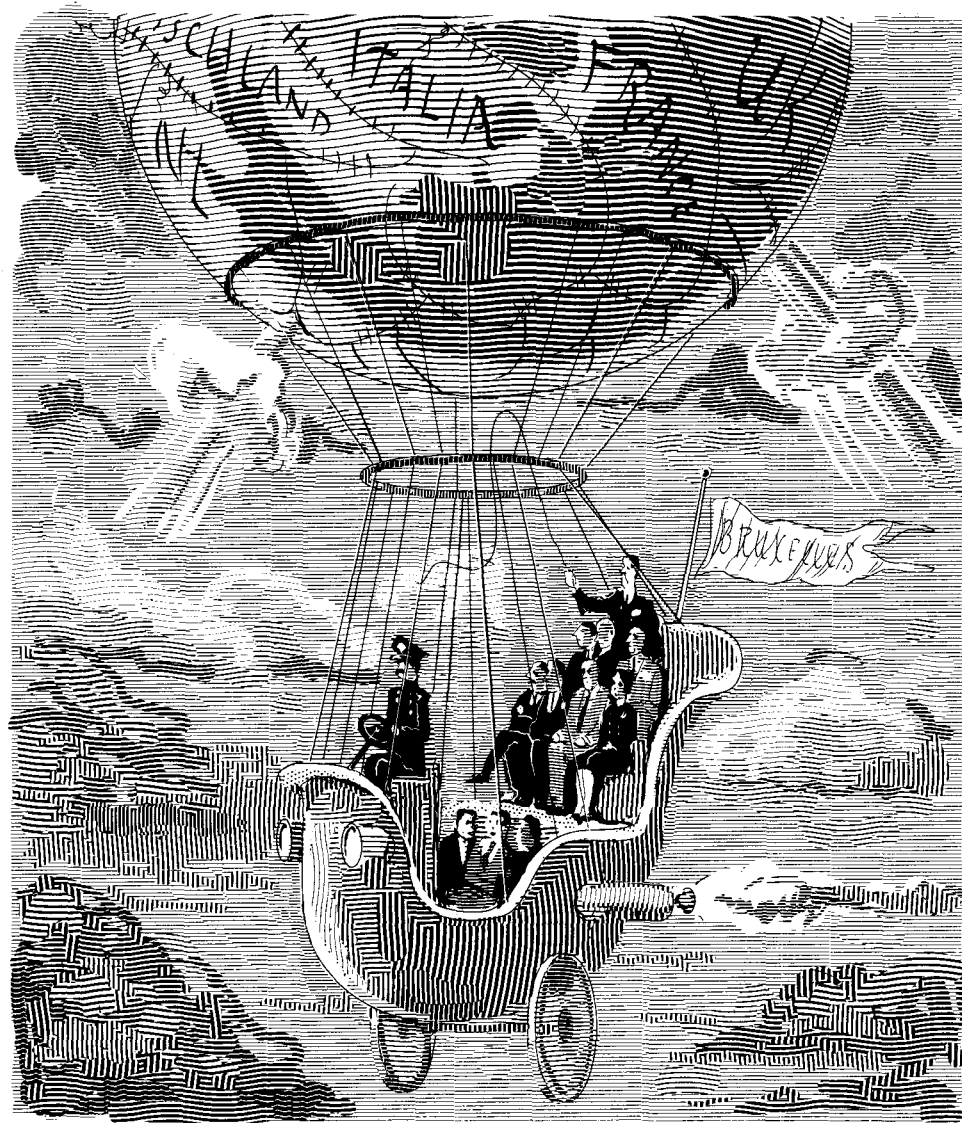
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Essay by Jeremy Rabkin

## CONTINENTAL DRIFT



LATE LAST SPRING, VOTERS IN FRANCE and the Netherlands rejected the proposed constitutional treaty for the European Union. Conservative critics, especially in America, expressed great satisfaction. The news was, depending on the priorities of the commentator, a reaffirmation of the nation-state, or of democracy, or of constitutional government. Such rejoicing is premature. But the referendums do indicate that Europeans are beginning to see through the vapors of political delusion.

The European Union was formally launched in 1991, after four decades of incremental steps toward "integration." Entering this new, more ambitious phase, just after the final collapse of Communism, Euro-governance emerged as the new standard-bearer of "progressive" hopes. The E.U. became the premier sponsor of political fantasy in the post-Cold War world. And political fantasy is inevitably, perhaps inherently, illiberal—that is, contemptuous of the sober premises of liberal or constitutional de-

mocracy. The E.U. promised a world of peace and harmony and respect for human rights, in which everyone would be assured of comfort and security without much effort and certainly without much thought, because all the world would soon be brought to share the guiding assumptions of E.U. bureaucrats.

The rival vision of jihadists—a restored caliphate ruling over a united Muslim world, in perpetual conflict with the infidels beyond—is far less improbable. Al-Qaeda, now terrorizing Europe, understands that its vision can only be fulfilled by disciplining its adherents and wielding force against everyone else. The E.U. vision, supposedly the genuine alternative to terrorism, relies on the gentle guidance of supple bureaucrats in Brussels, earnest lawyers at the Hague, and visionary diplomats, with suitable NGO minders, at any place where the U.N. wants to hold its next conference on saving the world.

The referendums in France and the Netherlands—along with polls showing precipitous

declines in support for the constitution in other E.U. countries—indicate that Europeans are no longer beguiled by this dream. The favorable vote in July by Luxembourg (the highest per capita recipient of E.U. largesse) cannot revive the E.U. constitution. But the same qualities which got Europeans into this condition in the first place will make it hard for them to get out of it now, without some painful adjustments to reality.

### The Constitution that Wasn't

IT IS HARD TO SAY WITH ANY PRECISION what French and Dutch voters meant when they rejected the proposed constitution, because it is hard to say what the constitution itself was supposed to mean. Its advocates insisted that it was largely a matter of codifying or "tidying up" existing arrangements—while warning, at the same time, that its rejection would be a devastating blow to European integration, possibly triggering cataclysmic conse-



quences. In France, the constitution's advocates insisted that it was essential to prevent American domination of Europe, but its opponents insisted that it would ensure the domination of Europe by American (or in de Gaulle's widely invoked racial terminology, "Anglo-Saxon") economic policies.

Voters could hardly gain clarity by reading the constitution. It is impenetrable, and not merely because it is more than 500 pages of bureaucratic prose. On the most basic questions, it settles nothing. More than two centuries ago, in the debate on the American Constitution, the central issues were whether the federal government could maintain its own standing army and impose its own taxes. Will the E.U. have its own armed forces? Its own capacity to impose taxes? A few throw-away lines in the treaty indicate that new "policies" regarding "security" and "revenue" may be adopted with the unanimous consent of the prime ministers of the member states. In other words, the constitution, which already vests supreme power in national executive officials working together, invites them to extend their collective authority—over against their own individual nations—whenever that seems convenient to them.

The constitution is supposed to establish a division of functions between the European and national governments. In fact, it gives the E.U. potential jurisdiction over almost every undertaking, while reserving almost nothing to the national governments exclusively. Yet the document does not supply Brussels with the means or resources it would need for its many tasks.

The constitution proposes to establish an E.U. minister for foreign affairs, with a fixed term, but acknowledges that states may maintain their own ambassadors to outside countries. Even as the Bundestag endorsed the new constitution, Germany campaigned for a permanent seat on the U.N. Security Council. Did Germany simply intend to echo, *auf deutsch*, the "common foreign policy" to which Britain and France (with their own permanent representatives on the Security Council) would already be bound under the new constitution?

To call this a constitution is to misuse the word. Although intended to supplant all previous treaties by which European authority had been established, it is itself a treaty, not obviously more binding or authoritative than any of the others. It is supposed to establish the supremacy of E.U. law—including any future regulations promulgated by European Commission bureaucrats in Brussels—over national law. Yet actually the constitution would only formalize this arrangement, since the European Court of Justice insisted decades ago that regulations from Brussels must take priority

over enactments of national legislatures, and even over national constitutions as interpreted by national constitutional courts.

"Europe" has always been about elevating bureaucratic authority over elected parliaments bound by actual constitutions. The so-called European Parliament is largely a ceremonial entity, empowered neither to initiate legislation nor to choose the commissioners who do propose directives and regulations. Nobody was much exercised about this in the past. It is not likely that Europeans will suddenly rally to democratic propriety now.

But they are unhappy about existing conditions in their own countries, and are raising new questions about how they are governed. The most basic question is not answered at all in the constitutional treaty: why should the nations of Europe submit their sovereignty to the E.U.?

### New World Union

IMAGINE A NEW WORLD COUNTERPART TO the European Union.... A series of treaties bestows lawmaking power to councils of representatives from the United States, Mexico, Canada, Guatemala, Grenada, Belize, Brazil, and a dozen or so other countries. Agriculture and labor regulations are made in secret meetings of the labor and agriculture ministers; environmental and safety regulations by environment and safety ministers; and so on. These laws and regulations—elaborated in suitable detail by a Commission of the Americas in, let us say, Caracas, Venezuela—exceed the reach of the current U.S. Code and take priority over U.S. laws. A court in, say, Belize, charged with giving force to these laws, has the authority to override any constitutional objections from the U.S. Supreme Court. The presidents or prime ministers of all these states then meet periodically to expand the powers of the Union of the Americas, by mutual agreement among themselves.

Of course, anyone who proposed such a scheme would be dismissed out of hand. It would subvert our Constitution's system of accountability, along with its checks and balances. But to state the objection in this way may be too abstract. Most Americans would instinctively recoil from this project on the grounds that it is, well, nuts. Most Americans would prefer to keep their own country.

Is the comparison unfair? Some Europeans have sentimentalized the project of European integration as a way to restore the unity of medieval Europe before it was shattered by the Protestant Reformation, or the French Revolution, or the terrible wars of the 20th century. But the nations of today's E.U. have never been

governed in common. Neither ancient Rome nor its ramshackle successor, the Holy Roman Empire, stretched so far to the north or the east or the west. There has never before been a single political unit stretching from Portugal to Estonia, from Ireland to Greece, from Sweden to Cyprus.

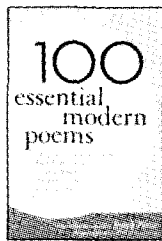
True, before the United States, there was no polity covering the middle of North America, from one coast to the other. But the comparison remains instructive. After the original 13 states established a common federal government, the Union embraced more and more new states until, within little more than 60 years, it had expanded to the far shores of the Pacific. California entered the Union only two years after its territory was acquired from Mexico, but it already had a majority of English-speaking residents from the more settled parts of the U.S. Hawaii became an American possession in 1898, but 60 years later there was still intense debate about whether this territory, where most inhabitants were of Asian descent, could be incorporated as a full state of the Union. Puerto Rico, acquired at almost the same time as Hawaii, is still not a state. If the majority on that Spanish-speaking island ever sought full statehood, it is not at all certain that it would be admitted.

You can denounce Americans or past generations of Americans for racism, intolerance, chauvinism, or xenophobia. There is, no doubt, truth to such charges. But they are largely beside the point. The overwhelming majority of Americans are descended from immigrants who did not originate in the British Isles. In other words, the "native" population is now far outnumbered by descendants of "others." Scarcely any Americans notice this fact. A son of Arab immigrants commands American forces in Iraq, but the ancestry of General John Abizaid is not an issue. Nor does anyone notice that for 20 of the past 40 years, the office of U.S. Secretary of State has been held by an immigrant or by the child of immigrants.

Our tradition of assimilating newcomers to America is old—so old that it worked even when we brought America to the foreigners. After acquiring the Louisiana Territory, President Jefferson insisted that the existing French-speaking community conduct its political affairs in English. Louisiana has done so ever since, and without protest, despite the persistence of a sizable Cajun-speaking community.

Since the 19th century, immigrants have been required to learn English and demonstrate their knowledge of American history and institutions before becoming citizens. They must swear an oath, pledging to "support the Constitution of the United States against all enemies, foreign and domestic," and promising,

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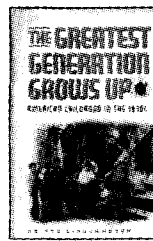
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if required, to "take up arms" against these enemies. We have extracted this oath from grandmothers and disabled people, along with more suitable military recruits.

At bottom, the U.S. is, at least by the theory of our founders, a mutual defense agreement among citizens. Despite our differences, we stand together against common enemies. We entrust a common government to make what can be, literally, life or death decisions on our behalf. But it is not simply the government that constitutes our political community. The stability of the government, and of the Constitution that constitutes and limits that government, reflects the solidarity among the people. New Yorkers may not be the most beloved people in America, but the attack on the World Trade Center was seen throughout the country—in distant Hawaii as in Alabama or Michigan—as an attack on Americans, requiring a common American response.

Whatever else it is, the European Union certainly is not a counterpart to the U.S. in this respect. But what it actually is, no one can say. The collapse of the E.U. constitution is a reminder that political entities don't retain authority when they have no clear purpose that citizens can respect—or even grasp.

### Mutual Distrust

AMERICA IS AN EXCEPTIONAL COUNTRY in many ways, which is part of the reason it continues to provoke so much envy, resentment, and hostility from Europeans. But as a nation-state, the United States is not at all unusual. The European Union itself is a confederation—or a collection, anyway—of separate nation-states. It presupposes these states, even more than the U.S. Constitution presupposes the states in our Union.

The American Founders were eager to assure that the federal government could make decisions on behalf of the whole American people and execute its own laws and policies. State governors play no role in our federal councils and even senators serve for fixed terms, whether state governments pass to a different local majority or not. By contrast, E.U. policies are made by the immediate representatives of the member-state governments. All E.U. policies are then implemented by the member-state governments, because the E.U. has no police, field agents, or inspectors, and no local courts of its own.

The strange structure of the E.U. reflects the irreducible fact that Europeans do not trust each other all that much. The E.U. Parliament

has only very limited powers because member states have never been prepared to trust their fates to a European-wide majority. Europe has known multinational schemes of government in the past, but by the 19th century, the multiethnic Ottoman, Romanov, and Hapsburg empires were seen as backward relics of a less enlightened age. Their collapse, at the end of the First World War, was welcomed by the Western allies and by most citizens of the national successor states. National independence became the universal desideratum—which meant possessing, among other trappings of a modern state, a national constitution and parliament. Borders shaped by language and ethnicity naturally meant that some "national" states would turn out smaller than others, but this was thought to offer the compensating advantage of greater cohesion. And national cohesion made possible liberal and parliamentary institutions, under which members of minority groups could consent to be governed by the representatives of the majority in return for assurances that everyone's rights would be protected. Decades earlier, liberal opinion in Britain, France, and other parts of Europe, had favored independence for the Balkan states and Belgium; Italian and German unification; and Poland's restoration as a





separate people. Liberals expected these new states to herald a freer and more peaceful and prosperous world.

Of course, things turned out badly in the interwar period and worse thereafter. Faced with determined aggressors, small nations could not always maintain their independence. Even after World War II, when the integration project began, nations felt little warmth, let alone trust, for their immediate neighbors. A grouping of Portugal and Spain? Of Netherlands with Germany and Austria? Britain with Ireland? National states had come into being precisely in opposition to the claims of neighbors. Europe was only able to "unite" by assuring anxious nation-states that their distrusted neighbors would be outvoted by others, by nations sufficiently distant from traditional rivalries or local enmities.

Still, to what end? In the aftermath of the Second World War, with Soviet troops in the middle of Germany, governments in Western Europe recognized that they needed help in defending themselves. The U.S. actually encouraged them to develop a European Defence Community, wielding a multinational force with a shared command structure. It would, as General Eisenhower put it (when serving as NATO commander in the early 1950s), allow for "rearming Germans without rearming Germany." But the French National Assembly rejected the plan in 1954 as a threat to French "sovereignty." Instead, Germany was allowed to rearm on the condition that it joined NATO. Europeans then ceded "leadership" of NATO to the U.S., partly as an assurance that a rearmed Germany would be carefully chaperoned. In the early 1960s, President de Gaulle tried to entice West Germany and the Low Countries to join a French-led defense structure as an alternative to NATO. The idea remained stillborn, doubtless because France's neighbors recognized its limitations as a provider of security. Whatever else it was, "Europe" was not going to be built around a common defense.

After the collapse of the Soviet empire, however, many European leaders nurtured wider ambitions. The Maastricht treaty that launched the E.U. in 1991 provided for a "common foreign and security policy"—though not a common army. There has been little follow-through on proposals for joint forces, largely because Europeans do not want to finance serious military capabilities, but also because they are not equipped to make common decisions on the deployment of such forces. Still, Europe has distanced itself from NATO. European leaders saw no trouble in expanding the E.U. to include in its "common foreign and security policy" three new states (Finland, Austria, Sweden) that were not in NATO and had pledged



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themselves, as neutrals, never to join NATO.

What policy can be "common" between states that are pledged to a defense alliance and states that are neutral? Only policies that are so abstract or so global in their reach that they can transcend both sides in almost any conflict. Thus the E.U. became a big booster of wildly ambitious treaty projects like the International Criminal Court and the Kyoto Protocol. It also invested in establishing itself as a "broker" or "mediator" in the Middle East, pouring more financial assistance into the Palestinian Authority in the 1990s than into all of Africa. Perhaps Europeans have noticed that this investment

did not bring peace to the Middle East.

The outbreak of war in Iraq was traumatic for Europeans because it exposed the pretense of a "common foreign policy." Of course, public opinion was divided over the war. That was so in America, too, but the American government is equipped to make decisions. While France and Germany rushed to position themselves as opponents of American "unilateralism," governments in Britain, Italy, Spain, Portugal, and Denmark, along with most of those in Eastern Europe, thought it more important to align with the U.S.

The countries flying under the E.U. flag

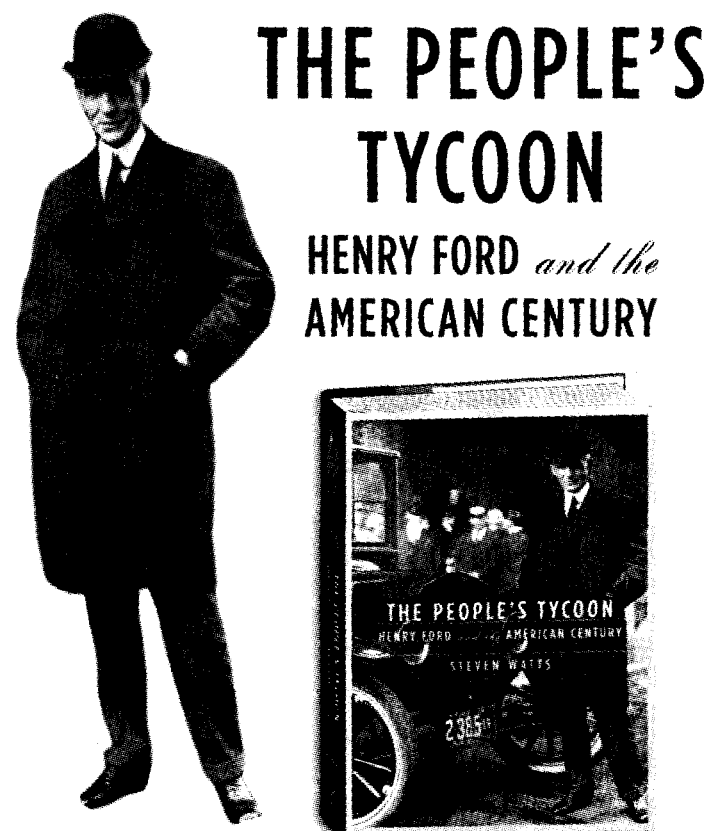
simply don't share the same priorities, nor is the E.U. equipped to reconcile their differences. Following the Madrid bombings, as angry Spanish voters blamed the incumbent conservatives, even officials in Paris and Berlin warned Spain's new socialist government not to act precipitously in withdrawing Spanish troops from Iraq. There was widespread concern that an immediate reversal of Spain's policy would encourage terrorists to think that every European state could be bullied by well-timed terror attacks. Believing that withdrawal would buy it immunity from the jihad, however, the new Spanish government promptly pulled its troops from Iraq. Nor did the German and French governments rush to replace the Spanish contingent in Iraq. Each government heeded its own priorities. Whatever else it was, the rejection of the constitution was a sign that European voters don't place much hope in a common foreign policy.

#### Human Rights and Citizenship

IF A COMMON FOREIGN POLICY REMAINS A distant dream, the idea of Europe as a zone of democratic stability possesses much more credibility. The first postwar organization in Europe, the Council of Europe (1949), had precisely the aim of rallying support for democratic government—at least on the western side of the Iron Curtain. The Council's first and still-paramount project is the European Convention on Human Rights (1950), which is supposed to be given effect by a European Court of Human Rights.

The project had no historical precedent. It assumed that rights were better protected by a group of nations and a supranational court than by a nation's own constitution. And thus it presumed that appeals to respect rights need not invoke concerns like national honor, solidarity among fellow citizens, or political stability. Nations with a long respect for civil liberties, like Great Britain, were encouraged therefore to think that the rights of their own citizens would somehow be better protected with monitoring by German and Italian judges (not exactly renowned for their historic respect for liberty). The problem became more acute in the 1990s, when the collapse of the Iron Curtain allowed nations from the east into the Council. In a system in which each state gets to appoint one judge, British justice can now be further improved by judges from Russia, Ukraine, and Albania.

The system works quite imperfectly. Judgments of the Human Rights Court in Strasbourg are not binding in the national law of all member states, nor are judges in the states always quick to take guidance from the Court's



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exemplary rulings. The Human Rights Court does not seem to make much difference in Russia, for example.

Since the 1970s, however, the European Court of Justice (an entirely distinct E.U. tribunal, based in Luxembourg) has claimed the authority to invoke human rights norms from the European Convention and other sources. As the ECJ saw it, this practice would answer concerns that regulations from Brussels, now placed above national constitutions, would leave Europeans without constitutional protection for their rights. Under the ECJ's guidance, Europeans would still have their rights protected, but by supranational authorities invoking supranational standards, rather than by their own courts or constitutions.

Embedding the European Rights Convention in E.U. law has provided an incentive for candidate nations to take human rights standards more seriously. That may well have worked to enhance respect for rights in Spain, Portugal, and Greece in the 1970s and '80s. Similar claims have been made about the new democracies in Eastern Europe in the 1990s. But severing rights protections from national authority has come at a price.

For one thing, the new scheme seems to have undermined respect for national legal traditions. In recent years, Britain's government has sponsored measures allowing house arrest without trial, relaxing double-jeopardy prohibitions (when new evidence makes it possible to reconsider an acquittal), and criminalizing speech that expresses disrespect for religious minorities (in deference to the sensitivities of British Muslims). A few decades ago in Britain, any one of these measures would have been unthinkable. They are still unthinkable in the U.S., which prizes its own historic Bill of Rights. Britain, home of the legal traditions that inspired our Bill of Rights, relies increasingly, however, on foreign judges to determine the rights of Englishmen.

There is a more general problem. If a national government does not have ultimate responsibility for protecting the rights of its own citizens, then the nation can no longer be conceived as a political community for the mutual protection of rights. The E.U. avidly subsidizes and encourages "regional governance" arrangements—in practice, encouraging separatist feelings among the Scots and the Welsh, the Basques, and an assortment of German-speaking minorities living outside the borders of today's Germany. The E.U. also promotes special protections for non-citizens who are long-time residents of member states, a practice described as "post-national citizenship."

European governments now speak regularly of "autochthonous" and "allochthonous" resi-

dents—those rooted in the local soil and those springing from foreign soils. Such formulas are supposed to be a sign of respect for the distinct cultures of the "allochthonous" residents. In practice, they have allowed European governments to shrug off concerns about integrating immigrants. European cities now have large, resentful populations of Muslim immigrants who do not identify themselves as citizens of their host nation. But why should they, when the host nation does not emphasize that it is a political entity, demanding loyalty in exchange for mutual protection? "Europe" is an amorphous grouping of nations. It is already "multicultural." Why should it matter if its member states become bazaars of contending cultures?

Of course, in an era when jihadists recruit from disaffected Muslim communities across Europe, this vision of multicultural harmony looks much less promising. In both France and the Netherlands, popular opposition to the new constitution seems to have reflected, at least in part, a heightened fear of foreigners. And throughout Europe, public opinion is overwhelmingly opposed to bringing Turkey into the E.U. European leaders have spent years demanding reforms to qualify Turkey for ultimate admission to the E.U., beguiling themselves with the prospect of making that country a model of multicultural tolerance for the rest of the Islamic world. Whatever else the rejection of the new constitution means, it is a sign that Europeans are not prepared to pay much of a price to realize this vision.

### Political Economy

**C**RITICS OF THE E.U., EVEN WITHIN Europe, sometimes urge it to revert to the free trade zone it started out to be. There is much sense in this as a recommendation for future development. But as history it is quite misleading. If European governments had wanted simply to reduce barriers to trade, they had perfectly adequate vehicles for doing so. The western European states were founding members of the 1947 General Agreement on Tariffs and Trade (GATT), which has since evolved into the World Trade Organization (WTO). If the Europeans wanted to reduce trade barriers more quickly than other participants in GATT were prepared to do, they could have established a parallel agreement among themselves, as the U.S. and its neighbors ultimately did with the North American Free Trade Agreement (NAFTA). This is, in fact, what Britain, Switzerland, and the Scandinavian countries did in the early 1960s, when they organized the European Free Trade Association (EFTA) as an alternative to the Common Market.

But the Common Market was always more ambitious, which is why its six founding members (France, Germany, Italy, and the Benelux countries) resisted the rival European Free Trade Association, ultimately maneuvering most EFTA members into joining the Common Market. The purpose of the Common Market, like the earlier European Coal and Steel Community (organized among the same six countries in 1951), was to lower trade barriers while simultaneously arranging safeguards, exemptions, and special subsidies as a shield against untrammelled free trade. In contrast to all other trade agreements (GATT, WTO, NAFTA, EFTA, etc.), the economic pacts linking the six required not just a treaty but an implementing bureaucracy, empowered to spell out details in subsequent regulations so that trade liberalization would be coupled with offsetting protections.

So trade in agricultural products would be open among the six, but farmers (especially French farmers) would be compensated by an elaborate scheme of subsidies and price supports. As the Common Market embraced new members and expanded liberalization agreements into new areas, the bureaucracy in Brussels, too, developed new regulations—to protect workers, to protect consumers, to protect the environment.

Underlying this was the insistence of the richer states, especially Germany, that the local standards imposed on their own firms also be imposed on firms in less affluent states, lest the latter derive a competitive advantage in their home countries. For decades, German and French prosperity served as an irresistible attraction for others. Even adopting new regulatory standards, and by the mid-1990s, a common currency, was not too high a price for the less affluent states to pay for a share of German and French prosperity.

The most fundamental reason that the E.U. is now in crisis is that the economies of the core states have performed quite poorly for more than a decade. Germany and France have stagnated, with unemployment hovering around 10%. Their average growth rate has been less than half America's, and their unemployment rate more than double that of the U.S.

Still, some states have continued to do well. Britain prospers, which is taken by many Europeans as a vindication of its decision to retain its own currency. But Ireland has experienced even more impressive growth (making it now among the richest states in the E.U.), despite adopting the Euro. Both Britain and Ireland have benefited from holding down taxes and regulations, which has made their industries more efficient and their markets more attractive to investors.



It is the largest E.U. states, apart from Britain—France, Germany, and Italy—that have done worst in the past decade. They have done less to reduce tax burdens and to free up labor markets. They have also been inclined to hope that a new round of E.U. “standards”—standardizing tax burdens as the Germans have suggested, or sharing social insurance burdens among E.U. states, as the Italians have suggested—would help to cushion them from competitive pressures. E.U. regulatory demands, in fact, have not so much dragged down the core-state economies as propped up their hapless leaders, who continually postpone already long-postponed reforms in the hope that a new scheme of “harmonization” will reduce the scale of unavoidable reform.

France, Germany, and Italy may also have hesitated to undertake more painful reforms for fear of unleashing political instability—long a problem for France and Italy, and a nightmare from the past for Germany. Postwar governments in all three countries tried to dampen political demands from the Left by promising a “third way” between socialism and market competition. Rather than cut back social benefits to lighten taxes and boost economic growth, these countries have resisted any major changes. A vague yearning for “community” constrains governments from unleashing individual economic initiative, and simultaneously discourages national policy initiative. Economic initiative thus remains constrained by excessive government, while beleaguered politicians evade their own responsibilities through supranational commitments.

### Divided Prospects

EUROPE FACES DAUNTING PROBLEMS. Low birthrates mean aging populations, leaving fewer and fewer workers to support more and more retirees. Only increased immigration can ease this long-term bind, but Europeans are increasingly fearful of immigrants—for reasons good and bad. Meanwhile, current trends will require disaffected immigrants to pay more and more taxes to support a larger and larger proportion of the

“autochthonous” population. This is a recipe for social conflict, even apart from the cultural strains already in evidence.

Some E.U. members have better prospects than others. But it is unlikely that any will be inclined to make significant sacrifices for the others. Britain, which has long been adamant in its opposition to proposals for harmonizing tax burdens across the E.U., has now been shaken by the July terror attacks in London. Pleas by British officials to tighten European security measures received a chilly response from the European Parliament. Effective measures for British security will mostly have to originate in London. Prime Minister Blair has already warned that should new security measures conflict with provisions of the European Rights Convention, he will ask Parliament to curtail or suspend Britain’s obligations to the latter. France has meanwhile announced that, for the sake of security, it is suspending some of its own European treaty commitments in order to assert closer control over travel into France from other E.U. states.

At the other extreme are the Dutch. Churchill called them the “trustful Dutch” for their reliance on international law to protect them from German panzers. They have in the past decade invested still more trust in international law, playing proud host to a succession of pompous international tribunals, culminating in the absurd International Criminal Court. Now the Dutch, too, have awakened to discover that they are hated by a large portion of their fellow citizens. The British are quite worried about a Muslim community that is less than 2% of Britain’s total population. In the Netherlands, the proportion of Muslims is well over twice what it is in Britain and less evenly spread through the country. Half of the population of Rotterdam is now of foreign origin.

After last November’s brutal murder of the filmmaker Theo van Gogh by an angry Dutch Muslim, the government’s first response was to enact laws against insulting Islam. There is talk about further efforts to integrate Muslims into Dutch culture. That will be difficult for a culture whose most distinctive qualities, as a British journalist observed, seem to be license for

homosexuals to marry and for children to kill their aging parents. (The Netherlands is a world pioneer in the practice of medical euthanasia.)

Although governments fear to provoke resentful immigrants, they also fear to provoke their own “autochthonous” populations, who have been led to expect very comfortable cushions against market pressures. Some Muslims envision the official establishment of Sharia law in the Netherlands and other European states within a generation or two. Except when worrying about global warming a century from now, “autochthonous” Europeans, who do not have many children, seem to work with shorter time horizons, focusing on their own retirement packages.

In the U.S., religious faith often seems to provide the confidence necessary for economic risk-taking. In much of Europe, a kind of fatalism seems to prevail, on the part of Muslims who focus relentlessly on the world to come, and post-Christian Europeans who believe in little beyond this generation. They may find it increasingly easy to blame their common problems on America—or Israel.

Surveys document high levels of European resentment against America (and pathological levels of hostility toward Israel). The surveys conducted by the Pew Foundation are often cited as evidence of European anger toward the Bush Administration (an interpretation perhaps not altogether unpleasing to Madeleine Albright, a chief consultant and publicist for Pew). One survey question that received scant attention is particularly striking: “Is success in life pretty much determined by forces outside our control?” Two-thirds of Americans say no, while most Europeans say yes (by as much as two-thirds in fatalist Germany and Italy, while just under half agree in Britain).

The rejection of the European constitution has killed the dream of a European superstate. What remains to be seen is whether—and which—European states will save themselves by recovering their own freedom.

*Jeremy Rabkin is professor of government at Cornell University, and author most recently of *Law Without Nations?* (Princeton University Press).*





Essay by Gerard Alexander

## THE OTHER AMERICAN EXCEPTIONALISM



**N**OT SO LONG AGO, AMERICAN CONSERVATIVES seemed to be converting the world to their ideas. After the fall of the Berlin Wall, country after country abandoned socialism for free markets, embracing such Reaganite themes as incentives, individualism, and responsibility. It looked as though the sun would never set on the friends of American conservatism. Yet today, American conservatives have never felt so alone.

This is not a matter of how many people around the world *like* American conservatives, but of how many are like them. To be sure, many political movements don't have counterparts in other countries. But Europe and America are politically kin, and when in the 1980s Ronald Reagan took his stands for markets and against the Soviets he found ready and stalwart allies in Margaret Thatcher, Helmut Kohl, and other indigenous conservatives. Yet all we hear of these days is the "exceptionalism of modern American conservatism." What happened to Europe?

Finding an answer begins with a comparison of contemporary American and European conservatives, especially concerning their basic assumptions—or operating principles—about economics, foreign policy, crime, and morality.

### Market vs. State

**A**MERICAN CONSERVATIVES BELIEVE that a healthy modern economy is so complex and innovative that most economic decisions have to take place in the private sector, where scattered information is lo-

cated, and risk may be rewarded or punished. Government is best at enforcing rules of the game and engaging in limited redistribution. When it does much more than that, it creates inefficient regulations and bureaucracies prone to expanding rather than learning. \*

This basic assumption runs deep in American life, not merely because we've spent too much time in post office lines—everyone on earth has done that—but because we're in a position to compare the post office to responsive, dynamic private businesses of all kinds. Many Europeans think similarly, especially business leaders, free-market activists, policy wonks, center-right politicians (including, apparently, the German Christian Democrats' Angela Merkel), and the occasional center-left leader such as Tony Blair or Gerhard Schroeder.

But most Western Europeans fear that markets will fail to meet their needs and satisfy their interests. They maintain a *faute de mieux* faith that government is the indispensable actor in economic life. Even when compelled by economic crisis to trim taxes, privatize, and curb spending—that is, even while recognizing implicitly that these measures attract investment and encourage growth—European leaders rarely offer principled criticism of government intervention, much less positive rhetoric about the marketplace. (Jacques Chirac's center-right cabinet is now privatizing state entities, not because private ownership is more efficient but primarily to cut the deficit and pay down the debt.) The European Union's proclaimed drive to become internationally competitive is top-down and government-centered. Not surpris-

ingly, "Thatcherite" and "neo-liberal" continue to be labels insultingly applied and hotly denied. All this is true even for several right-wing "populist" parties, such as France's National Front, which calls occasionally for tax limitation but more often emphasizes protectionism and a welfare state generous to native-born Frenchmen.

These views have not been dislodged, even by serious economic problems. And Europe's economic problems are serious. The unemployment rate is stuck at around 10% in Germany and France, and if anything this underestimates the true figure—even more unemployment is concealed through extensive job-training and early-retirement schemes. The fact that many continental European economies have such mechanisms for sidelining less-skilled workers makes it all the more striking that labor productivity still generally grows faster in the United States. For decades, France and Germany had narrowed the gap in labor productivity with the U.S., but in the past 15 years their progress slowed and then reversed.

The result is that average U.S. per capita income is now about 55% higher than the average of the European Union's core 15 countries (it expanded to 25 in 2004). In fact, the biggest E.U. countries have per capita incomes comparable to America's poorest states. A recent study by two Swedish economists found that if the United Kingdom, France, or Italy suddenly were admitted to the American union, any one of them would rank as the 5th poorest of the 50 states, ahead only of West Virginia, Arkansas, Mississippi, and Montana. Ireland, the richest

E.U. country, would be the 13th poorest state; Sweden the 6th poorest. The study found that 40% of all Swedish households would classify as low-income by American standards.

### Predators

A COMPARABLE DIVIDE IN OPERATING assumptions exists on foreign policy. By and large, American conservatives believe that although international conflicts may arise from uncertainty, misunderstanding, and mutual threats, they usually result from simple predation, power-hunger, and hatred. Global cooperation is possible when would-be predators are deterred, which requires muscular firmness. Democracies are uniquely suited to be enforcers of international order because they are least likely to be its transgressors—which is the reason Americans have traditionally championed an integrated and assertive Europe, instead of seeing it as a threat.

Some Europeans share this view, including most British and many Dutch and Danish conservatives, as well as Blair and other Laborites. Once upon a time, the Gaullists thought like this, and José María Aznar and other Spanish conservatives do so still. But most European governments now practice what Americans would recognize as a liberal foreign policy. This is not so much because Europeans inhabit what Robert Kagan calls a “post-historical paradise of peace and relative prosperity.” Instead they insist on seeing misperception, insecurity, and pride as the root of most international conflicts, which accordingly are best defused by reassurance and the careful avoidance of confrontation, ultimatums, and threats. The Spanish government’s response to the Madrid bombings—hasty withdrawal from Iraq—was denounced as appeasement by most Americans, but not by most Europeans. Of course, the British response to the London bombings has been quite different, at least so far.

American conservatives believe that the deterrent approach toward international predators should be firmly applied to would-be domestic predators as well. One might expect the same sensibility in Europe, given high crime rates there. Despite enduring stereotypes to the contrary, Europeans now match or surpass America in most crimes, including violent ones (except murder and, to a lesser degree, rape). In per capita terms, Belgium has more assaults than the U.S., the Netherlands nearly the same number, and France is rising fast. England and Wales have more robberies, the Dutch almost as many, and England and Denmark beat America in per capita burglaries and (here joined by the French) in theft and auto theft. After lecturing Americans that expensive wel-

fare states would ensure social peace, many Europeans now find themselves saddled with both high welfare costs and high crime, while American crime rates have dropped. Western Europeans have met high crime rates with policing and prisons, of course, but more notably with multicultural appeals, jobs programs, and policies aimed at “social insertion” of the alienated. As Theodore Dalrymple explains, such policies transmit the message that criminals are victims, too, and their actions understandable responses to trying circumstances. The result, as in foreign policy, is a lack of resolve among the virtuous, wink-and-nod cynicism among offenders, and excuse-making by everyone.

### Hard and Soft

EUROPEAN STEREOTYPES HOLD THAT American conservatives, under increasing evangelical influence, want morality to be systematically legislated. Actually, American evangelicals spend far more time shaping behavior in the private or civil sphere than through government. They teach personal values like family responsibility, clean living, self-discipline, voluntarism, and moral clarity in the face of wrongdoing. This ambitious project of private-sector character shaping is virtually without counterpart among purely secular Americans. And it is almost nonexistent in Europe, at least beyond the state-sponsored project of inculcating anti-racism, multiculturalism, and laicism as among the highest virtues.

In sum, American conservatives of nearly every stripe agree that the world is a complex and competitive place in which human nature and its limitations play pervasive roles. In such a world, good people are wise to cultivate individual skills and character traits, to limit centralizing power (especially government), to confront rather than duck serious challenges, and to get incentives right, especially for predators, with an eye toward encouraging virtue, and at least restraint.

Different terms have been invoked to distinguish these conservative operating assumptions from their main alternatives. Television personality Chris Matthews is sometimes credited with the notion that Republicans and Democrats are, respectively, the “daddy” and “mommy” parties. Daddy tries to toughen citizens to cope with life’s ordeals, while mommy tries to shield them from its harshness. U.C. Berkeley linguistics professor (and Democratic consultant) George Lakoff tweaks this to say that conservatives advocate the “strict father” model for America while progressives are “nurturant parents.” The discerning journalist Michael Barone distinguishes between “hard” and “soft” America, representing, respectively, contempo-

rary conservatism and liberalism.

Whatever terms we use to describe the right-wing worldview, American conservatives often develop a sense of “tribal” identification with those who share it, which explains their special bond with many Australian and British conservatives, and even with Tony Blair. This also explains recent conservative interest in Germany’s Angela Merkel, who seems to understand economic incentives, and France’s Nicolas Sarkozy, who stands out for his toughness on crime, praise for bourgeois virtues like hard work, and emphasis on adapting France’s political economy to a competitive world. The problem is that while American conservatives share one of their operating principles with some Europeans and another principle with some others, they don’t share the whole bundle with very many at all. To use Barone’s terms, most Americans have hard values while the majority of West Europeans have soft ones.

### The Churning State

WHY HAVE AMERICA AND EUROPE diverged so much in their beliefs? Consider two groupings in society: communities of religious faith and sectors that are economically independent of government. Together these form the building blocks of American electoral conservatism, and are the two main generators of daddy party beliefs in America. Both are greatly diminished in Europe.

Barone argues that hard values are inculcated by competition while soft ones are promoted and preserved by “coddling.” Adult life in Europe, he suggests, is softened by protectionism, welfarism, and other public subsidies. Despite some variation, three broad economic patterns stand out in Europe. In the first place, proportionately fewer people work. To cut unemployment lines, many of their citizens are encouraged to retire early, on pensions far more publicly-funded than ours. The stand-out cases are France and Germany, Europe’s two largest economies, with labor force participation rates 10 to 15 percentage points lower than America’s (about 55% in France; over 70% in the U.S.). Second, a larger share of the European workforce is employed by government. Third, Europeans receive more income and benefits from welfare programs in the form of health care, housing, and income support. These benefits reach deep into the middle class.

The result is a noticeably larger share of the population directly dependent on government benefits and services, and therefore directly threatened by any retrenchment of these in favor of private enterprise and private social provisioning. Nobel Prize-winning economist James Buchanan applies the label “churning state” to a



welfare state in which cross-subsidies are so extensive and interwoven that virtually everyone is a beneficiary and no one will be the first to surrender his subsidy. And the recipients are often right to be afraid. For example, the unemployed would be foolish to give up generous benefits when for more than a decade their economies have been unable to produce enough new jobs.

Now add the influence of religion. The more religious an American is, the more likely he or she is to vote conservative. Millions of "people of faith" are drawn to, and have their values reinforced by, America's vast and well-integrated religious apparatus of sermons, radio stations, television shows, books, stores, and mega-churches, an apparatus that shapes their beliefs about self-discipline, human nature, evil-doing, and much else.

By contrast, during the past century Europe experienced a drastic decline in rates of religious practice and faith. Whereas some 45% of Americans say they attend weekly religious services, one study in 1990 found comparable rates as low as 19% in western Germany, 13% in Britain, and 10% in France, and these have almost certainly fallen since then. There is no comparable apparatus of evangelization. As the sociologist of religion Peter Berger notes, this makes Western Europe stand out: instead of America being conspicuously religious by global standards, Europe is conspicuously secular.

### The Median Voter

**S**UCH TRANSATLANTIC DIFFERENCES CAN be highly consequential politically. Within a nation, major parties generally craft their platforms and rhetoric to attract the "median voter," that is, the hypothetical voter at the exact center of the political spectrum, whose swing can determine the election. In most European countries, the median voter is both less religious and more dependent on government than the median voter in the United States. This tugs American politics to the right and European politics to the left.

This makes political differences appear even starker than the sociological ones. For example, American liberals when shaping their election platforms have little choice but to sideline "progressive" catchphrases, and instead proclaim their commitment to individual responsibility, the private sector, and toughness on crime and national security. This centrist posturing, especially by Democratic presidential candidates, is so thorough that non-Americans are often unaware that there is a sizable left-liberal minority in the United States. Democrats steer clear of any suggestion that they want to make America more like, say, Europe.

The opposite happens in Europe. Center-

right politicians in Germany, France, Spain, Sweden, and elsewhere compete for a very different kind of median voter, leaving them little choice but to defend the welfare state, strict secularism, and a soothing foreign policy (by avoiding talk of toughness at home or abroad). Germany's Christian Democrats, for instance, often compete with the Social Democrats to raise public pensions. European business leaders who understand supply-side incentives, job creation, and taxes and regulation more or less as American conservatives do, censor themselves in order to remain politically relevant. Here, too, the effects can be so thoroughgoing as to obscure the fact that there is a sizable minority of American-style conservatives in every European country. And European conservatives reinforce this misperception by avoiding any suggestion that they want to make their

countries more like America.

This explains why so many conservative projects in Europe have rested on the thin reed of individual leaders. Even Margaret Thatcher—who was lucky enough to govern in the face of a divided opposition and in the wake of the 1970s' economic crisis—still felt compelled to endorse a health care system more socialized than many American liberals would favor. State spending began to rise again soon after she was succeeded by fellow Conservative John Major. Helmut Kohl left even less of a market reform legacy. So it's no surprise that the years since the fall of the Berlin Wall have witnessed a great deal of homeopathic cures for, but no serious surgery on, the European welfare state. This is especially striking in a country like France, which has suffered high (8-12%) unemployment for nearly 25 straight years. The

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record suggests that it is imprudent to invest much hope in rising center-right politicians like Angela Merkel and Nicolas Sarkozy, however individually promising they appear.

#### Euro Elite

THE PERCEPTION THAT EUROPE IS uniformly center-to-center-left is further reinforced by the fact that public expression is monopolized by a collusive journalistic, intellectual, and Eurocratic elite whose "arrogance [is] almost beyond belief," in the words of William Kristol. Its ideologically lopsided political and intellectual elite is so potent that it may shape Europe's political identity as much as secularism and economic dependence do. Mainstream European press coverage of America, free markets, and robust conservatism is so routinely paranoid and hyperbolic that it makes Howard Dean look temperate.

This can conceal important divergences between elites and average citizens. The June 2005 Dutch referendum on the E.U. constitution revealed a profound disconnect between the parliamentary and journalistic classes, on the one hand, who overwhelmingly favored the treaty, and average citizens on the other, who rejected it 62% to 38%. Without the public vote, negative opinion polls would have been explained away by the elite as revealing little more than a shallow, momentary fit of temper. A lot may be obscured by the fact that 15 of the 25 E.U. governments haven't planned even consultative referendums for adopting the new constitution.

Kristol has suggested that, in a way, Europe is stuck politically in America's 1990s, with a cultural and political elite plagued by drift, failure, and scandal—but without the breakthrough achieved here by reform-minded conservatives like Rudy Giuliani and Newt Gingrich. Yet intellectually, Western Europe seems even further behind than just the 1990s. Many Europeans still find it logical to respond to unemployment with protectionism and government jobs programs; leaders routinely speak of corporatist-style "social dialogue" between the state and major interests; a center-right prime minister argues that subsidized agriculture is central to France's economic dynamism; few

expect Europeans to act resolutely to prevent Iran from developing nuclear weapons; and governments try to stem globalization with what one scholar calls a "social democratic Maginot Line."

All this reminds one of nothing so much as the 1970s. The spirit of Jimmy Carter exited the American political stage decades ago, but, like Jerry Lewis, it remains a matinee favorite on the other side of the Atlantic.

#### Common Cause

THE BAD NEWS IS THAT REAL CHANGE is going to happen not by cashiering leaders or nudging political parties, but by changing what the voters think and want. And that is long, hard work. The good news is that the ranks of robust conservatives may be expanding in Europe and elsewhere. In Australia and Japan, security threats and the accumulation of market-oriented economic reforms seem to be bringing center-right sectors around to postures that American conservatives can recognize and appreciate. In Great Britain, Thatcher's mission of de-socializing the Labor party has borne fruit. (It is true that government spending has risen under Labor, but it has under the Bush Administration, too).

In Western Europe as a whole, prospects for a "values" revival remain hazy. But another change might help generate daddy-party beliefs: further economic liberalization, which would not only improve the region's economy (cutting unemployment, for example) but, by creating more competitive markets, might spread hard values, at least concerning business. How could liberalization be promoted? Much economic reform is held back by Europeans' fears of the economic unknown, specifically that markets cannot provide at reasonable cost the services and insurance coverage that their governments currently offer (in return for high taxes).

Two mechanisms might erode those fears: first, the potentially powerful demonstration effect of the former Communist countries' success. Today, a contest is underway between economic liberty in east-central Europe—whose growth could demonstrate the efficiency of their less regulated and less taxed economies—

and the efforts of the French, German, and other Western European governments to force growth-stifling "harmonizing" measures on the new E.U. members. East-central Europe can only play an instructive role if its economies remain free. American conservatives thus have an interest in maintaining the perceived viability of the market-oriented central European "social model." To this end, the U.S. could offer those countries closer trade ties and moral-diplomatic support in their attempt to stand up to Brussels (and Paris, and Berlin, and...).

A second means of eroding anti-market skepticism would be a campaign of public diplomacy, not by the U.S. government but by the American conservative movement. Such a campaign would show Western Europeans that a great deal of their fears are unfounded. Books like *Cowboy Capitalism* (2004), by Olaf Gerseman, a German business journalist, have begun to debunk myths about America's poverty, joblessness, social immobility, and quality of life; but more efforts are needed. Blogs remain an undeveloped medium in Europe and might help kickstart the resistance to the European Left's intellectual hegemony. A little encouragement might go a long way.

It is not only American conservatives who have an interest in making the world safe for conservative principles. The story of contemporary American conservatism is in many ways the story of modern America itself. American liberals think they see their own counterparts all over the world, but they have ample reason to feel alone, too. As John Micklethwait and Adrian Wooldridge note in *The Right Nation* (2004; see Kenneth Minogue, "Exceptionally Conservative," *CRB*, Summer 2005), "the more you look at [America's] prominent Democrats from an international perspective, the less left-wing they seem." "For the foreseeable future," they write, "the Democrats will be a relatively conservative party by European standards." It may be that our liberals and conservatives have more in common than they realize, and thus much to gain by seeing their common principles prosper around the world.

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## RERUNNING REAGAN

*The Eighties: America in the Age of Reagan*, by John Ehrman.  
Yale University Press, 304 pages, \$27.50

*Morning in America: How Ronald Reagan Invented the 1980s*, by Gil Troy.  
Princeton University Press, 400 pages, \$29.95

THE EXTRAORDINARY OUTPOURING OF public affection at the time of Ronald Reagan's death marked the moment when his loving memory ceased to be the distinctive property of conservatives and became the possession of Americans generally.

All parties now claim him. Libertarians upset with the contemporary Republican Party recall him fondly by airbrushing away his social conservatism and treating his defeats as his desires. Liberals extol his compromises and accommodations. Even isolationists have claimed the old Cold Warrior as their own. All factions praise his optimism—a safe, non-ideological virtue. Our understanding of Reagan is, in short, in play, which makes it a promising time for new books about his time in the White House.

Neither John Ehrman nor Gil Troy has produced a polemic, and both attempt to provide exquisitely balanced judgments. Their concerns are different: Ehrman is strongest when it comes to the economy, while Troy is most interested in the interplay of politics and culture, especially popular culture. Foreign policy takes a back seat in both books, with Ehrman explicitly ignoring it. Its absence is strange given its importance at the time (and given that Ehrman is a foreign-policy analyst), but perhaps understandable given the preoccupations of the present. Many of the specific issues that concerned Reagan, chief among them the Cold War, are no longer issues, because he won.

Ehrman's judgment of the economic issues of the 1980s seems largely sound. He reminds us of the controversy that surrounded the corporate restructurings of the decade, and correctly argues that the role of "corporate raiders" and "junk bonds" was largely salutary. He reminds us, as well, that the liberals of the day were enamored with corporatist "industrial policy" based largely on a Japanese model that was subsequently discredited. At the same time, he is critical of the grandiose claims and political irresponsibility of supply-siders. Some of his conclusions are open to question—his account of rising inequality in the '80s does not take account of immigration, as Troy's also does not—but all are sober. Sober, indeed, to a fault. The one instance of passion in this book comes when Ehrman flays the Gramm-Rudman automatic-budget-cut bill as "one of the most disgraceful and irresponsible laws ever passed."

Troy's book, on the other hand, cannot help

being engaging, packed as it is with memorabilia of the Reagan years. *Hill Street Blues*, the Cabbage Patch Kids, and Cyndi Lauper all make appearances. Troy, a professor of history at McGill University, makes a communitarian critique of the Reagan era. He is on solid ground in contending that America became more individualistic and materialistic under Reagan, and also in noting that the trend predated and postdated his presidency.

Troy believes that Reagan encouraged this baleful individualism, which is a plausible thesis. But he does not succeed in making this case. The problem emerges in the first pages of the book:

The 1980s would be Reagan's decade because Reagan skillfully rode and often took credit for one independently generated cultural wave after another, ranging from the founding of CNN, MTV, and *USA Today*, to the reign of *Dallas* and *Dynasty* on television, and the transition from Walter Cronkite to Dan Rather at CBS News—all of which occurred at the start of Reagan's administration.

If Reagan took "credit" for any one of these things, Troy doesn't demonstrate it.

He refers to "the Reagan celebration of American hedonism." It's a provocative, but unsupported, comment. He writes that Reagan "often confused great fortunes with great virtue." He offers no evidence for this criticism—unless he means the subsequent sentences about Reagan's support for deregulation and opposition to government waste to be that evidence, in which case the passage is a non sequitur. Troy never grapples with the possibility that increased selfishness was practically an inevitable consequence of prosperity. That is, he never explains what alternative policies or rhetoric Reagan could have used to avoid it, which makes it hard to see why Reagan should be condemned. When alternatives are imaginable, they are not realistic. Troy writes, "Reagan wanted Americans to feel good, not think too hard." All incumbents want voters to feel good; and few politicians conduct Socratic dialogues for their own sake.

Troy's attempts at balance too often result in mere inconsistency. "An amazing recovery" becomes, 90 pages later, "the illusion of prosperity." In a chapter on the year 1984, we learn that

"women...feared Reagan's program"; it isn't until 120 pages later that we see that 55% of female voters cast ballots for him that year.

BOTH AUTHORS ARE BETTER ON THE strictly political aspects of the 1980s. They correctly regard the 1980 election as a public repudiation of Jimmy Carter and liberalism rather than an embrace of Reagan and conservatism. Ehrman notes that by the late 1970s, American elites were reaching the conclusion that the country was ungovernable. Troy reminds us how rocky Reagan's first term was. The new president took office with record low ratings. Until mid-1983, many people thought that his administration had, by failing, confirmed the ungovernability thesis. (Both authors, however, exaggerate the extent to which Republican losses in the midterm elections of 1982 reflected public dissatisfaction with Reagan. At least half of those losses were the consequence of increasingly efficient Democratic gerrymandering.)

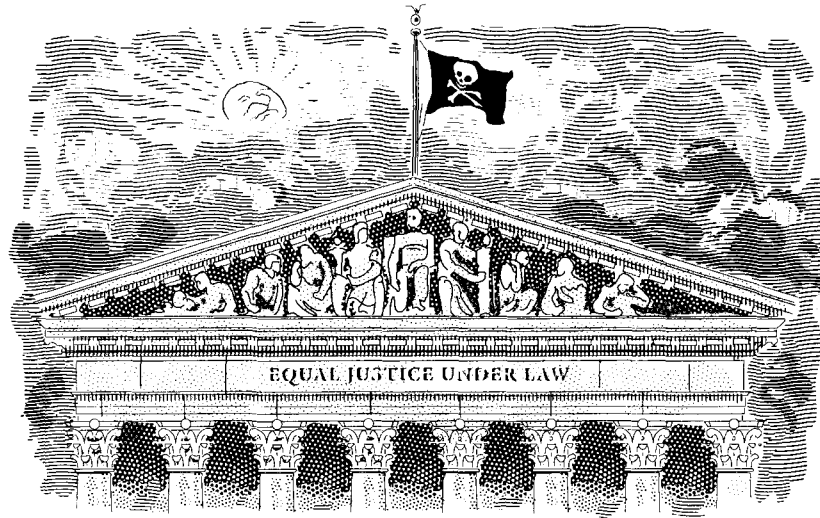
The authors place great emphasis on the 1980s as a time of "reconciliation"—a time when conservatives made their peace with many of the social changes of the 1960s. There is some truth in this. But the decade also contained the seeds of later "culture wars," as both also note. Here their analysis of the Supreme Court misleads them. Both authors consider Reagan's effort to remake the federal judiciary a success, with Ehrman going so far as to say that the Supreme Court has stayed "conservative" since Reagan. Even Linda Greenhouse, the *New York Times's* famously liberal Court reporter, knows better.

Which brings us to a bigger problem. Reagan was, to an unusual extent, a politician of ideas. Yet neither author pays much attention to his ideas. Troy talks about Reagan's projection of American strength, for example, and the effects this had on the American psyche. But he largely ignores the Reaganite critique of détente and advocacy of "morality in foreign policy" which inspired his strong stance. Reagan's much-discussed "optimism" was not optimism conventionally defined; it was confidence rooted in certain principles—including constitutional ones that Reagan largely failed to see prevail. If Ehrman and Troy wanted a failure to balance Reagan's success, here would have been a place to look.

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## SELECTIVE JUSTICE

*Seeking Justices: The Judging of Supreme Court Nominees*, by Michael Comiskey.  
University Press of Kansas, 256 pages, \$40.00 (cloth), \$17.95 (paper)



SEEKING JUSTICES WILL GIVE HEARTBURN to conservatives who are infuriated by the Senate's treatment of judicial nominees and bewildered by a Republican-dominated Court's continuing support for pet projects of the cultural Left. The book does provide some valuable perspectives on issues as far apart as the Rehnquist Court's federalism decisions and the history of the confirmation process. And it emphasizes one crucial fact, which is that the American people approve of much of what the Supreme Court does and are exceedingly accepting of its behavior even when they do not. Unfortunately, these contributions are offset by a pervasive intellectual complacency that takes most of the interest out of what should be a fascinating set of issues.

Comiskey, an associate professor of political science at Penn State University, argues that the modern practice of energetic ideological review of Supreme Court nominees by the Senate is serving a useful function. It has, he claims, revealed highly predictive information about the nominees' inclinations and thus has helped to keep the Court's decisions generally in line with popular preferences. He says, quite plausibly, that this is an important check on a court that makes national policy in so many important areas, especially when the public seems unwilling to use the other political tools that are available to constrain judicial behavior. Furthermore, the book claims that robust review has not entailed the political and jurisprudential costs so often alleged. It has not unduly diverted attention away from substance to scandal; it has

not interfered with the president's appointment power; it has not compromised the integrity or quality of judicial decision making; and it has not undermined the legitimacy of the Court.

Readers will immediately suspect that behind this happy face is a mind encumbered by the tedious political bias that infects so much of academia. As is often the case, phrasing gives away the game. Comiskey refers to the Warren Court's "alleged" liberal activism. Robert Bork's critique of the modern Court's performance, by contrast, made him "a revolutionary conservative" (no "alleged" necessary). The Rehnquist Court, Comiskey reassures us, has not been "abhorrent" or "unduly conservative." Senators have an inherent interest "in keeping virulent judicial supremacists off the Court," and so Justices O'Connor and Kennedy (who in *Planned Parenthood v. Casey* made the most authoritarian claims for judicial power in American history) sailed through the confirmation process as the moderates that Comiskey says they are.

In the same vein, President Ford nominated "the superbly qualified and ideologically moderate [John Paul] Stevens." Ruth Bader Ginsburg had "outstanding credentials" and had acquired "a reputation as a 'non-ideological moderate.'" So, too, Stephen Breyer, who was "universally regarded as well qualified" and, needless to say, was a moderate. Clarence Thomas, it is probably unnecessary to add, had "slim" qualifications, "extreme" political views, and "questionable" judicial temperament.

One trouble with unexamined political bias is that it tends to drain the complexity and

richness from its subject. Take, for example, Comiskey's description of Justice Ginsburg as a jurisprudential moderate. This is certainly the way she was presented by her backers during her confirmation hearings, despite her record as a feminist litigator. It is not an altogether indefensible assessment, at least as applied to her opinion-writing style. But the interesting question is whether Ginsburg's style has been used to achieve, and even to disguise, radical substantive goals. Ginsburg herself has recognized that the cumulation of apparently narrow cases invalidating various forms of sex discrimination has accomplished an overall result equivalent to amending the Constitution. She has actually written about how judicial opinions that avoid broad doctrinal formulations can appear modest and thus reduce political objections to the Court's work. Moreover, some of her opinions, such as the one invalidating male-only education at Virginia Military Institute, can be seen as truly radical in their doctrinaire imperviousness to facts as well as in their practical implications. But Comiskey ignores all this and takes Ginsburg's alleged moderation at face value.

Similarly, his conclusion that Robert Bork was a jurisprudential revolutionary is based on an uncritical acceptance of the accusations and arguments made by Bork's opponents during his confirmation hearings. Again, the problem is not that there is no basis for the charges. The problem is that Comiskey is uninterested in the complexities that surround them. It is true, as the book claims, that if the Court were to roll back all of what Bork's academic writings



criticized, it would be out of step with popular preferences as measured by opinion polls. But it is by no means clear that Bork would have been in favor of such radical revisions. Little in his record as a sitting judge indicated such intentions, and during his hearings he denied that he would try to implement all the ideas put forward in his academic writings.

**I**N ANY EVENT, THE MAIN CHARGE MADE against Bork by prominent academics like Ronald Dworkin and Lawrence Tribe was that Bork was outside the jurisprudential—not the political—mainstream. Supposedly he rejected ideas concerning which all respectable judges and scholars have long agreed. Supposedly he had no judicial philosophy at all.

Now, these charges need to be critically evaluated. It is by no means clear that powerful critiques of the abortion decisions or even of the right to privacy more generally were outside the jurisprudential mainstream. Respected scholars, like John Hart Ely, and responsible jurists, like Justice Byron R. White, wrote scathing critiques of the Court's creation of a right to abortion. And debate about the propriety of a free-roving mandate to protect unenumerated rights has a long and honorable intellectual heritage.

Comiskey reports that the Senate's rejection of Bork helped to protect the Court's legitimacy because it resulted in the appointment of the more moderate Anthony Kennedy. He specifically invokes as evidence for this proposition the Court's eventual decision in *Casey* not to overrule *Roe v. Wade*. It is true that a majority of the Justices in *Casey*, including Kennedy, argued in rather fevered terms that overruling *Roe* would damage the Court's capacity to embody American constitutionalism. But the often-noted extravagance of this argument cries out for something better than uncritical reiteration.

Comiskey's ideological complacency even drains much of the interest from his major thesis, which does in fact concern an astonishing phenomenon. The puzzle begins with the fact that the Supreme Court has been dominated by Republican appointees for more than three decades. Moreover, as he recognizes, even the appointees of Democratic presidents have present-

ed themselves as political and jurisprudential moderates. An obligatory position for all these appointees as they stand for confirmation is that judges should not legislate or otherwise engage in judicial activism. And these assurances are not thought to be politically mandatory because of trivial considerations. They are the result of decades of highly controversial decisions that protected Communists in government employment, prohibited official school prayers, radically altered police practices, brought disorder and even violence to school districts across the country in the name of desegregation, extended the right of free speech to billboard advertisements and flag burning, and elevated to a hallowed constitutional freedom the right to abort a child or engage in homosexual sodomy.

While these decisions—and many, many more—were producing dismay, anger, frustration, and violence in the political arena, they were producing confusion and consternation in the academic world. There, of course, it was thought to be a high duty to find some theory of constitutional interpretation and of the judicial role that would legitimate the Court's adventures. But despite energetic efforts by brilliant thinkers, no such theory emerged. Even the best efforts were criticized to devastating effect. If there really is an academic mainstream on this question, it consists in the fact that there is no consensus on what, except supposedly good results, justifies the Court's behavior.

**P**ROTESTATIONS ABOUT THE NEED FOR judicial restraint, then, have become the political norm as a consequence of decades of political and intellectual dissatisfaction. At the same time, judicial aggrandizement continues and, in many ways, expands. This is a significant paradox. Comiskey, however, takes pervasive judicial control over explosive moral and political issues as a given and terms it "moderation." Indeed, his central claim is that the rampant judicialization of American politics is in line with what people want. On the whole, the long promised "virulent" retrenchment has never really taken place because the Senate has forced presidents to respect prevailing public opinion.

Anyone familiar with the state of the modern academy will understand how Comiskey can insouciantly regard the astonishing judi-

cial aggrandizement of recent decades as an exercise in temperance. What is ideologically congenial is normal, what is normal is unexamined, and what is unexamined constitutes the mainstream. Comiskey acknowledges that the Court has been seriously out of step with public opinion on religion, term limits, and some free speech issues. He can, however, treat these as unimportant because, according to opinion polls, the public approves of the Court's record otherwise, including on abortion and homosexuality. But this leaves out the factor of intensity. Issues like the elimination of school prayer and the protection of flag burning provoke truly deep resentments and anxiety. A few decisions of this kind may be more significant than many decisions that generate mild approval.

**A** SECOND CONSIDERATION ENTIRELY missing from Comiskey's form of majoritarianism is federalism. On many issues, stretching from abortion to vagrancy, the Court's decisions conflict with policies enacted in most of the states, and in that sense are anti-majoritarian.

Finally, he pays too little attention to qualitative aspects of judicial opinions. In particular, the Court can announce and explain its decisions in ways that invite participation by political institutions in the interpretive process or it can preempt and condemn such participation. In several places, Comiskey acknowledges that in recent years the Court has increasingly insisted on its own supremacy and has, correspondingly, condemned political influences on constitutional interpretations. But with his ideological blinders on, he takes this as an unremarkable fact of life.

It is true that the Court's results are not as far from mainstream preferences as conservatives sometimes think. It is also true that the Senate's advice and consent function must be conducted diligently if the Court is not to become entirely insulated from political life. But it requires a studious inattention to the obvious to conclude, as Comiskey does, that all is well with the main process available for exercising democratic control over the Court.

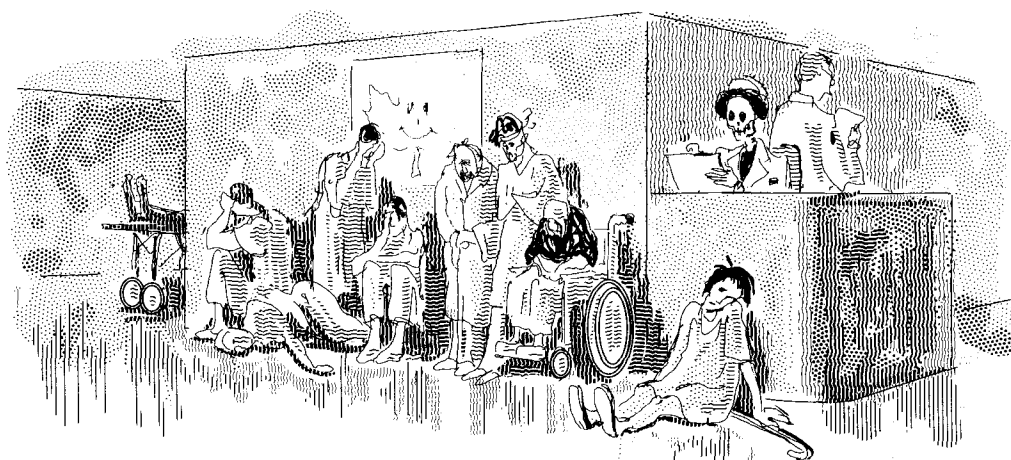
*Robert F. Nagel is the Ira C. Rothgerber, Jr. Professor of Constitutional Law at the University of Colorado.*



Book Review by David Gratzner

## FIRST, DO NO HARM

*Miracle Cure: How to Solve America's Health Care Crisis and Why Canada Isn't the Answer,*  
by Sally Pipes. Pacific Research Institute/Fraser Institute, 219 pages, \$14.95



IT'S 1994 AGAIN. IN THE NEW YORK TIMES, economist-turned-pundit Paul Krugman recently wrote that "[w]ith the cost of health care exploding and the number of uninsured growing, the time will soon be ripe for another try at universal coverage." And he's not the only one interested in revisiting the policy debates of the last decade. Legislatures in California, Ohio, and Vermont are heatedly debating Canadian-style health care. In 15 other states, bills have been introduced calling for the creation of a government-funded insurance scheme.

Many lawmakers who reject a full-bore, HillaryCare-style program (including Senator Clinton herself) remain favorable to a massive government effort with an elaborate mix of initiatives. A bipartisan coalition in Congress is clamoring for drug re-importation to tame prescription medication prices, reinsurance by the federal government to tackle rising insurance costs, and other nostrums. So what now for American health care—and is there an alternative to government creep? In her eloquent new book, Sally Pipes, president of the San Francisco-based Pacific Research Institute, answers these questions.

HillaryCare didn't make sense in the early 1990s, nor does it now. Pipes, who was born and raised in Canada, takes a hard look at the "miracle cure"—a Canadian-style system that seems to offer it all: both modern medicine and universal coverage. What she describes, however, is a system in disarray. No wonder. With health care free at the point of use, demand surged and costs spiraled. To address the inherent economic problem, government

planners quickly began restricting the supply of health care—cutting medical school graduates, placing caps on the number of diagnostic tests performed in a year, closing hospitals.

*Miracle Cure* employs both anecdote and statistic to explain the cruel result. Today, Canadians must wait for practically any diagnostic test or surgical procedure; machinery is dated; physician shortages rampant. The most damning assessment of the system comes from a Canadian-born American surgeon who observes: "Canada offers the best health care the 1970s have to offer."

Pipes is not alone in her criticism of Canadian health care. Shortly after the publication of her book, the Supreme Court of Canada called the country's health care system dangerous and deadly, and struck down key laws. Chief Justice Beverley McLachlin and Justice John Major stated: "The evidence in this case shows that delays in the public health-care system are widespread, and that, in some serious cases, patients die as a result of waiting lists for public health care" (emphasis added). If Canada is not the solution, then what is?

ON THIS, WE CAN ALL AGREE: AMERICAN health care is riddled with problems, including rising insurance costs and expensive public programs. The source of the problem, however, is not what many people assume. Most think that American health care has been overrun by market forces. But "government," as Pipes astutely observes, "has been the largest single payer in the U.S. health care marketplace since the 1960s." Perhaps more

importantly, government actions (including revisions to the tax code made during World War II) have meant that American health care is unlike any other sector of the economy because consumers (patients) don't pay directly for much of the service they receive.

In fact, American consumers pay just 14 cents of every health dollar spent. As a result, the very concept of insurance has been distorted:

Homeowners' insurance covers fires, trees collapsing on the roof, and other similarly large events. Automobile insurance covers major dents, broken glass, and total wrecks. But what travels under the name of health insurance in the United States has expanded to cover just about everything, including the routine, the predictable and the easily affordable. It's as if automobile insurance paid for the 3,000 mile oil change and the 30,000 mile tune up, or if homeowners' insurance paid to replace burnt out light bulbs and leaky faucets.

The economics are clear. Consumers pay little directly—and demand expensive, inefficient service. With a third party paying the bills, key decisions are left to payers, not patients. It's a prescription for universal dissatisfaction.

The same market forces that have transformed other sectors of the economy haven't shaped health care. Take hospital pricing. Since January 2005, California has required that all hospitals provide basic pricing information. The variation is amazing: a chest X-ray costs \$120 at



San Francisco General but \$1,519 at Doctors Hospital in Modesto; a complete blood count is \$47 at Scripps Memorial in Los Angeles, but \$547.30 at Doctors in Modesto. Even blood-sucking live leeches range in price from \$19 per leech at Scripps to \$81 per leech at the U.C. Davis hospital. (These figures were compiled by the *Wall Street Journal*.) Is there any other industry in America with such vast pricing differences?

Pipes sees an alternative in the concept of consumer-directed health care. Rather than leave important decisions up to others, she wants to "put consumers in the driver's seat." She is particularly enthusiastic about health savings accounts (HSAs), created in 2003 as part of the Medicare Modernization Act. HSAs marry real insurance (that is, coverage for high and unpredictable costs) with contri-

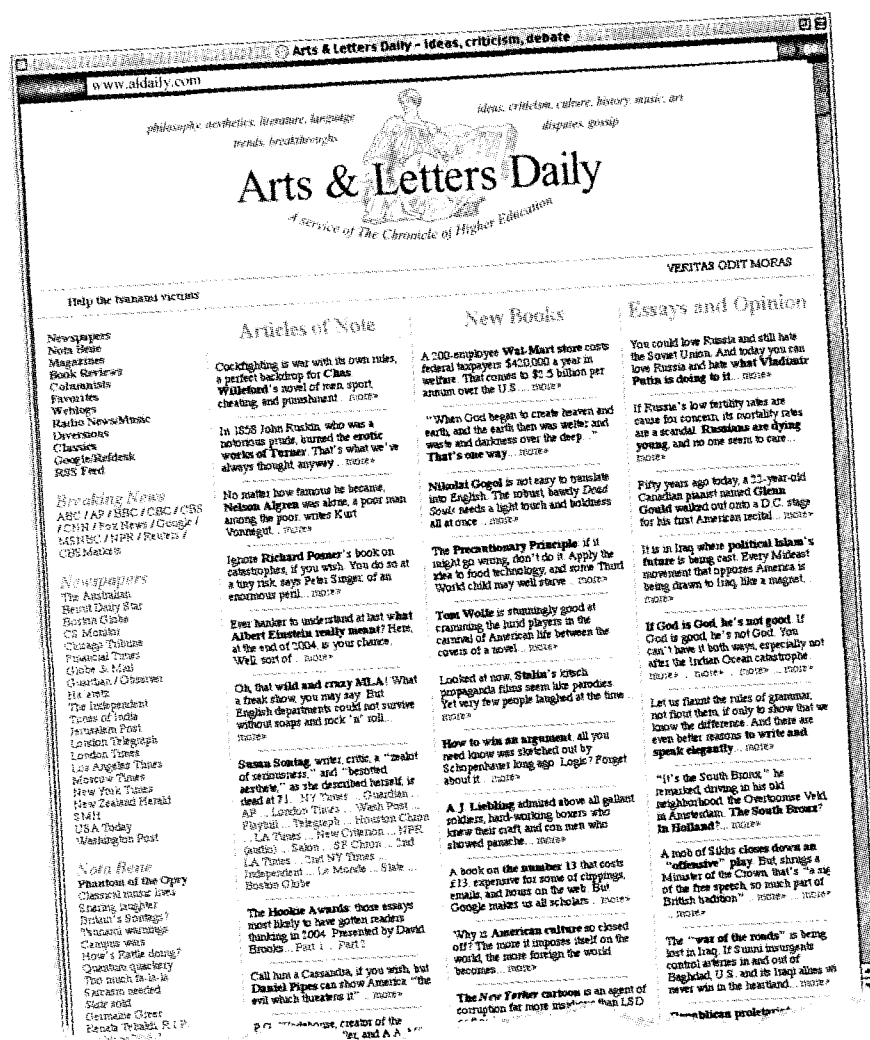
butions to a savings account that can be used to pay for smaller health expenses and "rolled over" from year to year. This puts the consumer, not government, in charge.

The early data on health savings accounts is encouraging. Pipes mentions, for instance, that companies like Whole Foods have used the concept to hold the line on health inflation. Perhaps more interestingly, consumer-driven plans have begun slowly to change the way Americans interact with their health care system. At the Cigna website, for example, members can estimate annual costs, compare drug prices, and get comparisons of hospitals (showing quality ratings for certain procedures as well as the cost and length of stay). Other companies offer "health coaches," professionals who help patients navigate the choppy waters of health

care. Non-insurance companies are also getting involved. Websites like DestinationRx.com and PharmacyChecker.com let patients search for their medication and compare prices at different online pharmacies.

While the topics are complex, Pipes explains the nuances of both systems with skill and grace. *Miracle Cure* is an easy read, and an excellent and important addition to the public policy debate. The question, of course, remains: will American medicine really be transformed or will it simply slide towards greater and greater government control? After six decades of government creep, Sally Pipes's book indicates that the battle is joined.

David Gratzner, a physician, is a senior fellow at the Manhattan Institute.



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Book Review by John Silber

## THE COST OF IGNORANCE

*Going Broke by Degree: Why College Costs Too Much,*  
by Richard Vedder. AEI Press, 284 pages, \$25



**I**N GOING BROKE BY DEGREE: WHY COLLEGE *Costs Too Much*, Richard Vedder, Professor of Economics at Ohio University, has performed a useful service, assembling for public consumption many important facts about the rising cost of higher education.

Vedder shows that college tuition has risen faster than any other expense in the typical American family budget. In 1958, the average family worked 57 days to earn the \$795 annual tuition at Northwestern University. But by 2003, Northwestern's tuition was \$28,404, and to pay for it the average family would need to work almost 200 days. "By any criterion," Vedder writes, "the burden of college costs grew faster than the capacity to meet that burden."

Of the roughly \$250 billion in university endowments, about \$119.7 billion, or nearly half, is held by the top 25 schools, averaging about \$4.8 billion each. The ten wealthiest universities in the country have an average endowment of \$7.1 billion. Harvard's \$22.6 billion endowment, 9% of the total, amounts to \$1.2 million per student; at Princeton, the figure is \$1.3 million per student; and at Yale, \$978,000 per student. These universities may have management problems, but they cannot have financial problems, no matter how tirelessly they "poormouth" when soliciting alumni, foundations, and other donors. Universities with relatively small enrollments and vast endowments can afford to offer generous financial aid, or even waive tuition altogether. But the apparent stinginess on the part of the wealthiest schools shouldn't obscure

the good work of the majority of universities and colleges with modest means. Aside from the top 25, the average endowment of the next 3,130 colleges is only about \$40 million dollars; hundreds of schools have virtually none.

An average endowment in an average year generates only 5% in usable income. At Boston University, for example, our endowment of \$780 million produces annual revenue of about \$39 million. This does little to meet the needs of 26,581 full-time equivalent students and an annual operating budget of \$1.6 billion. Yet each year Boston University provides more than \$170 million in financial aid from its own resources. We use income from overhead generated by grants and contracts, as well as surpluses from other operations, to subsidize students. We also put 10-15% of our tuition income into scholarships for students with financial need. This practice is both common and salutary, enabling most universities to offer education to students from a wide variety of backgrounds. A more diverse student body is highly beneficial to all students, especially the wealthy.

Most Americans know that this is a widespread practice—Operation Robin Hood, if you will—and accept it as a contribution to meritocracy. But in *Going Broke by Degree*, Vedder objects to differences in the actual tuition paid as price discrimination. He unflatteringly compares universities to the 19th-century robber barons who used variable pricing to forge their monopolizing trusts.

This is a leap beyond evidence, but it is typical of Vedder's book. At every turn he unfairly compares the presumptive rectitude of modern business with what he perceives as the vices of modern universities. He assumes that universities need to learn from the business world about proper accounting procedures, investment strategies, and labor contracts. I'm in no position to speak for all universities, but I know that many are highly competent in these areas. Unlike businesses, however, they don't aim to earn a profit, but rather to provide the highest quality of educational services per dollar cost.

Vedder attempts to identify the causes of the dramatic increase in the cost of higher education. He rightly notes that many universities spend profligately on athletic programs in a vain attempt to raise revenue from television contracts and alumni donations. The folly of this approach has been well documented in *The Game of Life: College Sports and Educational Values*, by James L. Shulman and William G. Bowen (2001).

**V**EDDER ALSO COMPLAINS THAT UNIVERSITIES have spent fortunes on dormitories and dining facilities that offer amenities that young men and women whose primary concern is (or should be) studying don't need. But Vedder seems not to grasp the realities of modern student life. An excellent education could be provided while housing students in barracks and feeding them in mess halls. But with such facilities, enrollment would





plummet; even poor students wouldn't care to attend such institutions. Lackluster facilities would also make it impossible to recruit outstanding faculty. Providing reasonably pleasant dormitories, classrooms, and laboratories, and offering conveniences such as high-speed internet and a variety of dining options, are required by the higher education marketplace, where competition among institutions is intense.

Vedder rightly notes that tenure and legislation have contributed to the increase in tuition. Congress, for example, passed in 1967 the "Act to End Age Discrimination," which prohibits the mandatory retirement of faculty. Not only does this, in effect, discriminate against younger scholars, but it leaves universities with aging professors, many of whom no longer teach or research effectively but continue to draw high salaries. Now a college can fire a deficient professor in his 70s or 80s only if prepared to face a long, bitter, and expensive lawsuit.

Vedder is right to claim that many professors neglect undergraduate instruction. Fifty years ago, the average full professor at a research university taught nine hours a week; today, few are in the classroom more than six hours a week, and many no more than three. But he makes the mistake of calculating the typical professor's work schedule to be "1,200 hours a year—at least one-third less than the typical full-time employee in other professions." This may be true of faculty deadbeats, but most professors spend 40 to 60 hours a week on their research in addition to teaching.

Vedder is right, however, to question the value of much of that faculty research. Anyone who regularly examines the articles and books published in his field knows that only a small percentage are worth reading. The publication of worthless books and articles wastes the time of serious scholars.

**B**UT DESPITE VEDDER'S ACCURATE DIAGNOSIS of some academic ills, he mischaracterizes the finances of American universities. He claims that state and federal grants have distorted the market by encouraging parents to put up with long-term debt while colleges and universities cynically inflate prices to soak up all the available cash.

Tuition is less elastic than other costs. Car companies, for example, can slash prices to attract new customers. But colleges and universities rarely do, fearing that a reduction in price would indicate a reduction in quality. This is a legitimate concern, since parents often judge the quality of a school by its price. Parents unfortunately lack objective criteria by which to

judge the quality of a college education. The most popular ranking system, produced by *U.S. News & World Report*, amounts to little more than an arbitrary survey of college administrators who don't even know the quality of their own academic departments, let alone those of thousands nationwide. This would become obvious if they were required to explain under oath the basis of the assessments they submit to *U.S. News*. There are more reliable measures, such as the amount of funding a college receives in peer-reviewed research grants, or the number of citations of faculty publications; but Vedder is right to doubt that parents can see past mindless rankings into the true quality of a university.

But college administrators don't exploit parents' ignorance to increase costs. There is a simpler explanation. Before the 1950s, intellectuals had little market value, and their modest salaries reflected it. Between 1900-1950, the average salary of a full professor matched the average family income. Sterling Professors at Yale in 1950, for example, earned about \$12,000 per year. Professors of law and medicine could augment their incomes by professional practice, and some chemistry professors did so by consulting in industry. Otherwise, salaries were remarkably modest. But when Sputnik was launched in 1957, mathematicians and scientists—even humanists—came into high demand. Today, universities compete fiercely for top academic talent not only against one another, but also against the military, the government, and information-based businesses that prize mathematical and scientific competence and clear literate thinking.

Vedder complains that universities spend far more on research than they did 50 years ago, and that undergraduate tuition "subsidizes research." To the contrary, overhead recovery from research grants typically helps subsidize undergraduate education. He would have the U.S. save money by cutting funding for basic science. But this would threaten our national and economic security. China challenges American power not only by its export-driven manufacturing but by its massive spending on research and universities. For years, the U.S. has enjoyed an important advantage in basic science that has kept us at the forefront of technological discovery. It would be foolish to step backward just as the Chinese step forward.

Vedder praises institutions such as the online University of Phoenix, where tuition goes solely to providing instruction at a profit. Although affordable, these are universities in name only, parasitic on the larger academic

world from which they recruit their part-time faculty. If traditional universities didn't exist, there would be no faculty for these virtual universities to hire.

Virtual education cannot substitute for personal interaction between faculty and students. A professor at an online university, for instance, has no way of knowing whether the work submitted was actually done by students. Learning to think on one's feet and to argue effectively are skills not likely to be developed in the silence of a virtual university. If Vedder is right and the personal give-and-take of a classroom is unimportant, universities might just as well hand students books and hold exams, and be done with it. No cost-saving measures can abolish the fundamental difference between training and education.

**V**EDDER IS RIGHT TO INSIST THAT parents must be offered relief in paying for college, but his proposals are not the answer; they would undermine the quality of higher education. A better alternative was offered by Senator Edward Kennedy and 30 co-sponsors in 1978.

Their bill would have established the Tuition Advance Fund, or TAF. According to this plan, the federal government would advance students three-fourths of their tuition at an accredited institution. The institution, in turn, would be required to limit tuition increases to the rate of increase in the Consumer Price Index. After graduation, students would be required to repay roughly 150% of the advance as a part of their tax obligation. (The 50% surcharge would cover the shortfall from graduates who failed to pay). The TAF would require Congress to appropriate funds for its first 15 years, after which repayments would begin to make the fund self-supporting. In 20 to 25 years, Congress's advances would be repaid and a permanent endowment established to fund higher education in perpetuity.

The TAF would satisfy both the Democratic concern for equality of opportunity and the Republican concern for self-reliance. It would shift the burden of financing education from the shoulders of the parents to students who are, after all, the beneficiaries. Most importantly, it would give the U.S. the means to develop our nation's most important natural resource: the intelligence of its citizens. The cost of exploiting that resource is high, but it is far lower than the cost America will pay for ignorance.

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Book Review by Stanley Rosen

## BEING REASONABLE

*The Seduction of Unreason: The Intellectual Romance with Fascism From Nietzsche to Postmodernism,*  
by Richard Wolin. Princeton University Press, 404 pages, \$29.95

RICHARD WOLIN HAS WRITTEN A USEFUL book that contains much good sense. Unfortunately, it has serious defects that dampen my enthusiasm, although they do not prevent me from recommending the book.

*The Seduction of Unreason* may be described as a defense of the French and English Enlightenment against the attacks of a variety of intellectual movements that are too often blended together under the portmanteau terms "postmodernism" and, more narrowly, "deconstruction." As his title suggests, Wolin means by "anti-Enlightenment" a fuzzy set of properties, predominant among them a distrust, even a hatred, of reason. This raises a big question that he does not adequately face—the meaning of "reason." There is only one reference to reason in the index; the passage in question refers to Foucault's conception of reason as a mechanism of oppression as well as to Derrida's critique of logocentrism and Lyotard's view that rational accord is in fact an exercise of force.

This is not to deny that Wolin uses the words "reason" and "rational" with great frequency, but to note that in doing so, he seldom gets beyond platitudes, and what is worse, he identifies being reasonable with being a political liberal. The meaning of the latter term is likewise taken for granted; it refers to persons who endorse empiricism, science, and logical deduction, but who also favor the rule of law, historical progress, and egalitarianism. It is difficult to find a straightforward defense of these properties in Wolin's book; they function as signposts that guide the discussion but do not deepen it. He plainly assumes that everyone knows what it is to be reasonable, and that reasonableness is synonymous with political liberalism.

To use another of Wolin's inadequately defined terms, the anti-rationalist is a fascist, of which there are left- as well as right-wing versions. It might be held that fascism is connected with the Right, not the Left, but this goes contrary to Wolin's (I think correct) argument. My problem is rather with his taking for granted that rationalism is what pro-Enlightenment partisans of extreme scientific reasoning say it is. What's more, Wolin's portrait of the Enlightenment is much too narrow. All too typical is his concluding passage in which he paraphrases approvingly the assertion of the Italian political philosopher, Norberto Bob-

bio, that political liberalism "has become the unsurpassable political horizon of our time." This may be true, but not all the major figures of the Enlightenment were partisans of science in the style of, say, Condorcet, nor were they all political liberals of the contemporary sort. Equally important, not all those who share some important values with Wolin are "liberals" in his sense of the term. I happen to know



of many conservatives who also endorse the rule of law, human rights, and popular sovereignty. Conservatism of this sort is not to be found in Wolin's book. Although Wolin does not explicitly make the egregious error of associating conservatism with fascism, he comes dangerously close to it.

Let me cite a passage all too illustrative of his style of reasoning:

Much has been written about the corollaries between fascism and "irrationalism" that remains conjectural and superficial. It would be foolish to assert that all doctrines that radically question the primacy of reason exist in a symbiotic

relation with forces of political reaction, let alone fascism. Nevertheless, it would be equally misleading to deny that one of fascism's central ideological tenets entails a rejection of reason and all that it historically represents.

The passage is quite correct, as far as it goes. But in the context of Wolin's overall argument, the rejection of reason is equivalent to the rejection of Enlightenment liberalism and progressivism; or in other words, it is equivalent to political reaction, which is replaced in the next sentence by "fascism."

Differently stated, there is no room in Wolin's argument for the thesis that modern scientific and empiricist conceptions of reason are neither exhaustive nor self-evidently consistent with one another. I could find no treatment of this problem in his account beyond a phrase here and a term there. As is obvious from his sound critique of Derridean deconstruction, Wolin recognizes the need for value judgments and he sees that deconstruction makes such judgments impossible. But his perfunctory defense of the need to use reason to obtain such judgments overlooks the fact that scientific rationalism and logical argumentation cannot supply them. He offers nothing to defend against the dissolution of ethical and political rationalism, or against the charge that his entire book constitutes, not an exercise of reason, but a rhetorical concatenation of the typical prejudices of contemporary liberal academicians.

WOLIN CASTIGATES THE PHILOSOPHER Hans-Georg Gadamer for his attempt to give a reasonable account of prejudice as a structural feature of man's historical situatedness; but he does not notice his blindness to the problem in respect of his own opinions. Still, the criticism has some weight, though not enough to justify Wolin's classification of Gadamer among the enemies of reason. Gadamer's conception of prejudice and tradition may be wrong, but it is certainly susceptible of a rational defense. "Unreason," I would argue, should be reserved for doctrines that are intrinsically unintelligible, or that assert their own unintelligibility; the charge could very reasonably be directed against Derrida, on the basis of Wolin's own criticisms of him.





As a further illustration of Wolin's prejudices and polemics, consider this quotation from Stephen Holmes, which Wolin deploys in a complicated footnote:

'Why would some of America's leading intellectuals revile a tradition devoted, among other things, to freedom of thought? A generation ago, Martin Heidegger's subterranean but hypnotic influence prepared the way for this odd development. His harsh indictment of "modernity" was adapted to the mental horizon of their new American audience by Hannah Arendt and Leo Strauss.'

This passage can only mean that Strauss and Arendt were fascists and enemies of reason who in the U.S. promulgated Heidegger's doctrine of the restriction of freedom of thought. Despite his discretion in hiding behind Holmes, Wolin clearly endorses this view. There is no sign of anything but approval on Wolin's part, nor is there any other reference to Strauss or Arendt in his book.

Though I am hardly an admirer of Heidegger's character, I have to say that in many decades of reading his books, I have never found an argument against freedom of thought. It is true that Heidegger's conception of authentic *Denken* is quite different from Wolin's understanding of thinking. But neither Wolin nor Holmes succeeds in confining the defense of human freedom to a narrow loyalty to Enlightenment rationalism. Let us, however, suppose that Heidegger was an enemy, not of thinking but of freedom of speech. How does this enmity show itself in Leo Strauss, who, if anything, spent his career in the U.S. revealing with much freedom, and to his own professional detriment, the "secret teaching" of the great thinkers of the philosophical tradition? And in what way was Strauss more unreasonable than Wolin or Holmes? I have to say that I was offended by this evasive, even cowardly footnote.

**W**OLIN IS PRIMARILY A HISTORIAN of late modern and contemporary European political thought. He is not a philosopher, and presumably would not claim to be. His intention in this book is to place poststructuralism in historical context. Somewhat more inclusively, he explores the fate of the Enlightenment and its dominant ethical and political paradigm by studying a handful of seemingly disparate thinkers, among them Nietzsche, Jung, Gadamer, Bataille, Derrida, and Blanchot, as well as a multitude of secondary and tertiary figures. These thinkers share one version or another of the spirit of Counter-En-

lightenment—namely, an enmity toward rationalism in Wolin's rather vague sense of the term, plus a reactionary political bent that leads them, from both the left and the right extremes of the spectrum, toward fascism.

I liked especially in Wolin's account the recognition that Nietzsche was a political thinker, not an aesthete; and I am grateful to him for calling attention to the equivocations that marked Gadamer's relations with the political and academic apparatus of the Third Reich. Wolin seems to me to go too far in his treatment of Gadamer, and to be unfair in his criticism of Jean Grondin's mammoth biography of the German thinker. I would say here only that I know of no competent accusation to the effect that Gadamer was a racist or a fascist. His greatest defect seems to have been opportunism.

**D**ESPITE STEPHEN HOLMES'S INNUENDO, Leo Strauss was hyper-sensitive on the issue of the Nazis, and once made me swear to him that I would never shake Heidegger's hand. I was about to leave for Europe, and to meet several of Strauss's friends and friendly acquaintances, one of whom was Gadamer. Strauss took it for granted that I would be shaking Gadamer's hand. This is not proof, but it goes a long way with me. Nonetheless, Wolin assembles some damning evidence. Especially difficult to explain on grounds other than opportunism is Gadamer's famous lecture, during the occupation of France, on Herder and racism. I am, however, most depressed by the anecdote of how Gadamer benefited from his friend Richard Kroner's loss of his professorship in 1934, and Gadamer's callousness about the episode. In any event, even watertight proof that someone was a Nazi supporter does not necessarily invalidate his (or her) intellectual work. Central to the book's treatment of Gadamer is Wolin's criticism of the doctrine of prejudice, or what comes perhaps to the same thing, the veneration of tradition. This is a curious criticism for a historian to make, especially because Wolin (again) seems not to notice that the doctrine applies to him as a spokesman for the liberal scientific Enlightenment.

Wolin is very good on the foolish "political" thinking of the postmodern French anti-philosophes, as well as on the general anti-Americanism of advanced continental thinkers. He deserves praise for his emphasis on the fact that fascism can come from the Left as well as the Right. And it has to be said that Wolin's erudition with respect to the late-modern scene of largely second-rate artists and ideologues is quite impressive. One should know these

things, however boring they may be, and Wolin helps us here; at least he helped me.

To be sure, there are some defects in his erudition, particularly with respect to the ancient Greeks. Wolin incorrectly states that the Weimar Republic is a version of what Glaucon in Plato's *Republic* calls the city of pigs; the city of pigs, actually, is a primitive society lacking in luxuries of every kind, especially including philosophy. Similarly, Wolin characterizes Plato's Seventh Letter, the philosopher's account of his failed intervention into practical politics, as an invocation to give up philosophy for politics! He refers to "first philosophy" (an Aristotelian term) as "an a priori and speculative approach to history and politics," a strange way to characterize the thought of the man who first separated "first philosophy" from ethics and politics. Wolin's almost complete silence concerning Leo Strauss is, probably, a reflection of his apparent inacquaintance with Greek thought. Most if not all of the "anti-rationalists" discussed in the book were either Greek scholars (Nietzsche, Gadamer) or well trained in the classics. The ostensibly reactionary return to the Greeks that Wolin discerns is, in fact, a clue to the development of a richer, more reasonable conception of reason.

**T**HIS LEADS ME TO A FINAL CRITICISM. In order to get back to the Greeks in a fruitful way, one must first come to terms with Heidegger. I mean by this that Heidegger both brings the Greeks to life and distorts them. To study Heidegger is thus like walking a tight-rope. What needs to be said is that Wolin is not good at taking seriously the people he dislikes. He seems to lack the ability, or in any event the will, to think through the ways in which the representatives of anti-Enlightenment were correct. For example, there can be no doubt that humanism, liberalism, and a rational democracy are endangered by the uncontrollable aspects of technology. That Heidegger links his critique of technology to a peculiarly romantic form of religion and a denunciation of the Enlightenment does not invalidate the force of the critique itself. Nevertheless, I want to insist that there are very good things in Wolin's book, and indeed, that it is often politically sound in a way that conservatives should take more seriously than I suspect they do. But it is not sufficiently penetrating or—dare I say it?—radical.

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## THE MIND OF BENEDICT XVI

THE PUBLICATION OF *DOMINUS IESUS*, in August 2000, caused worldwide outrage. The document—issued by the Congregation for the Doctrine of the Faith (CDF), headed by then-Cardinal Joseph Ratzinger—affirmed the absolute claims of Christianity and the Catholic Church vis-à-vis the other religions. In his book, *Truth and Tolerance* (German, 2003; American, 2004), Cardinal Ratzinger offered a 284-page answer to the outrage. In the preface, he wrote: “As I looked through my lectures on [Christian belief and world religions] over the past decade, it emerged that these approaches amounted to something like a single whole—quite fragmentary and unfinished, of course, but, as a contribution to a major theme that affects us all, perhaps not entirely unhelpful.” These sentiments reveal not only the dominant characteristic of the man—his humility and courage—but the nature of most of his writings.

Ratzinger is acutely conscious of the fragmentary nature of all he has written, but he makes a virtue out of this weakness, which is caused by the simple fact that he was called to sacrifice his preferred life as an academic to serve the Church, first as Archbishop of Munich, then as Prefect for the CDF, and now, of course, as Pope Benedict XVI. As he says in one of his most recent publications, *Values in a Time of Upheaval: How to Survive the Challenges of the Future* (German & American, 2005), “perhaps the unfinished character of these attempts can help to advance thinking about them.” All his writings are contributions to an ongoing debate, first in his own discipline— theology—and later, as he became more a pastor than a scholar, in the public debate about the future of society and the Church’s role in it. And despite their fragmentary nature, his writings do “amount to something like a single whole.” Joseph Ratzinger is not simply a recognized scholar of the highest quality. He is an original thinker. The result is an inner consistency that marks all his writings, though each piece never fails to surprise with its freshness, originality, and depth.

### Augustine or Modernity

FROM THE BEGINNING OF HIS OWN STUDIES, Ratzinger and his contemporaries in Munich tended to seek an alternative to Neo-Scholasticism, the dominant system of Catholic theology at the time. Neo-Scholasti-

cism was an attempt in the 19th and early 20th centuries to recreate the philosophical and theological “system” of St. Thomas Aquinas. Ratzinger, instead, turned to the great thinkers of the early Church. For his doctoral thesis, he studied the Father of the Western Church—and of Western civilization—St. Augustine. His topic was Augustine’s understanding of the Church and thus, by implication, his understanding of the State and the political significance of Christianity. His dissertation, *People of God and God’s House in Augustine’s Doctrine of the Church* (German, 1954), is a classic. It is also the root of much of his later theology.



His postdoctoral dissertation (*Habilitations-schrift*) was devoted to Thomas Aquinas’s contemporary, St. Bonaventure, who was also very much in the Augustinian tradition. It is an analysis of the attempt by the great Franciscan theologian to come to terms with the new understanding of history conceived by the Abbot Joachim of Fiore. Eric Voegelin argued that the speculations of Joachim of Fiore are in large part the source of modernity; they helped replace the Augustinian concept of history that had formed Western Christendom. Ratzinger was not a confirmed Voegelinian—he quotes Voegelin in only one of his early writings—but it is interesting to see how the two men reached similar conclusions from quite different starting points.

In Augustine’s view, history is transitory, and empires pass away; only the eternal *Civitas Dei* (the “citizenry of God,” as Ratzinger translates it) lasts forever. Its sacramental expression is the Church, understood as humanity in the process of redemption. By contrast, Joachim proposed a

radically new understanding of world history as a divine *progression* of three distinct eras, the last being the era of the Holy Spirit when all structures (Church and State) would give way to the perfect society of autonomous men moved only from within by the Spirit. This understanding of history amounts to what Voegelin called “the immanentization of the eschaton.” It rests on the assumption that the end of history is immanent in history itself—the product of its own inner movement towards ever greater perfection, towards the kingdom of God *on earth*. This idea is at the root of what we mean today by “progress.” It underpins, albeit in different ways, both radical socialism and liberal capitalism. And it has had a profound effect on political life, giving rise to both revolution and secularism.

Bonaventure, according to Ratzinger, failed in his critique of this progressive theology. But Ratzinger’s study of Bonaventure alerted him to the philosophical and theological issues underlying contemporary political life. This is seen, in particular, in his later treatment of the radical forms of liberation theology, based on a Marxist notion of history with its roots in Joachim of Fiore.

### Early Writings

IT IS DIFFICULT TO GIVE AN OVERVIEW of Ratzinger’s publications considering their range, the fragmentary nature of most of them, and their sheer volume—some 86 books, 471 articles and prefaces, and 32 other contributions (according to the latest list compiled in February 2002), averaging about 30 (at times, very brief) entries a year in recent years, not counting official documents issued by his Congregation. What follows must be restricted to some of his more representative scholarly writings.

As a professional academic in Freising and Bonn, his early writings were devoted to the basic principles and presuppositions of theology. He stressed the affinity between reason and revelation (and so the Church’s appreciation of philosophy as an ally in its enlightened critique of mythological religions). Reason for Ratzinger is our capacity for truth (and so for God). Like language, reason is at the same time both personal and communal, as indeed is revelation, the social dimension of which is found in the Church. His entire theological opus is rooted in Scripture, the ultimate but





not the only norm of all theology. Although he judiciously uses the findings of modern critical scholarship, he goes beyond them in the spirit of the Church Fathers, whose interpretation of Scripture is based on the unity of the Old and New Testament (the latter being the fulfillment of the former) and the unfolding of Tradition under the direction of the Holy Spirit.

The early period was greatly influenced by the Second Vatican Council and its aftermath. Ratzinger, a *peritus* or expert advisor to the Council, published several commentaries on texts issued by the Council as well as personal reflections on it and its aftermath. Dealing with the vexed question of the universal nature of salvation and the particular nature of the Church, which the Council had posed with renewed sharpness, he developed his understanding of salvation in terms of *Stellvertretung* (representation or substitution): just as the incarnate Word of God gave his life "for the many," so too individual Christians live not for themselves but for others, while the Church exists not for itself but for the rest of humanity. His major writings in this area include *Revelation and Tradition* (with Karl Rahner, 1965), *The New People of God* (German, 1969), and the *Principles of Catholic Theology* (German, 1982; American, 1987), perhaps his most important academic writing. He would later return to these early fundamental theological concerns in such books as *The Nature and Mission of Theology* (German, 1993; American, 1995) and *Called to Communion* (German & American, 1991).

### Doctrine of the Faith

**I**N HIS MIDDLE PERIOD (AT Münster, Tübingen, and Regensburg), Ratzinger produced his most famous book: *Introduction to Christianity* (German, 1968, revised, 2000; American, 1969), translated into some 19 languages, including Arabic and Chinese. Originally a series of public lectures on the faith, which Ratzinger gave in the summer

term of 1967 for students of all faculties of the University of Tübingen, it opens with a masterly attempt to situate the question of belief and its communal expression in the modern world before going on to comment on the contents of the Creed. It is one of his many purely

affirmations of orthodoxy. He approaches every topic by way of the (often unspoken) questions posed by contemporary culture and the state of contemporary theological scholarship.

The most significant book of this middle period is perhaps his *Eschatology—Death and Eternal Life* (German, 1977), which is a systematically worked out textbook, the aim of which is to overcome the hijacking of eschatology for political purposes and recover its transcendent and personal dimensions. This period is also marked by his growing concern with developments in catechesis—the handing-on of the faith in schools and colleges—as reflected in a talk he gave in France, which caused quite a storm at the time: *Mediating Faith and Sources of Faith* (German, 1983). This concern prepared him for the day when, as Cardinal Prefect, he chaired the commission set up by Pope John Paul II to oversee the composition of the Catechism of the Catholic Church, one of the most significant achievements of the previous papacy.

As Cardinal Archbishop of Munich and then as Cardinal Prefect of the Congregation for the Doctrine of the Faith, Ratzinger continued to research and publish in academic journals as a private theologian—quite independent of his position as Prefect. These publications were sometimes part of his own homework in preparation for composing the official documents that carry his signature. His publications during this (his third or later) period included various sermons, reflections, and spiritual exercises. All are marked by a deep spirituality, simplicity of language, and beauty of

expression, such as *To Look on Christ: Exercises in Faith, Hope and Love* (German, 1989; American, 1991). His pastoral concern also produced some of his finest writings on the Eucharist and the liturgy, such as *The Spirit of the Liturgy* (2000), which he wrote during his vacation in

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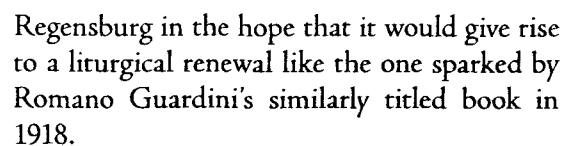
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## Theology and Politics

A representative selection of his writings on the theology of politics (including an important essay on liberation theology) may be found in *Church, Ecumenism, and Politics: New Essays in Ecclesiology* (German, 1987; the English translation, 1988, is rather poor and there is even a large passage missing). He describes this collection as "essays in ecclesiology"—politics, like ecumenism, being but an aspect of his theology of the Church. His theology of politics combines a critique of modernity (understood as the attempt to create a perfect society by social engineering as justified by one or another political ideology) with an attempt to delineate the contribution of Christianity to a humane society and to modern democracy. Here conscience or personal moral responsibility plays a key role, as does the recognition (already found in the New Testament) that there is no place for a "political theology" (like liberation theology) and, related to this,

In *Values in a Time of Upheaval*, Ratzinger discusses ways of recovering, in a world roiled by globalization and multiculturalism, a moral consensus that is both objective and universal. In it, he returns to the question of the relationship between faith and reason that was the subject of his inaugural lecture in Bonn in 1959 as a fledgling theologian. Now the topic emerges as an aspect of the challenges posed by the undermining of traditional means of orientation within all societies. Faith and reason, revelation and enlightenment, need each other in order to liberate the potential in each to confront, and help overcome, the dangers that threaten humanity.

## Politics and Ethics

A brief discussion of a chapter in *Church, Ecumenism, Politics* might suffice for a taste of Ratzinger's theology of politics. It is a classic expression of his thought in this area (despite the inadequate translation), and is entitled, "A Christian Orientation in a Pluralist Democracy?" The question mark is important.

Ratzinger is acutely aware that modern democracy cannot stand on its own but needs other moral resources to maintain itself. He looks at the pluralist democracies of Europe and notes their many weaknesses, particularly their tendency to expect too much from soci-

Ratzinger distinguishes three interrelated aspects of the threat to democracy. The first is the assumption that perfect justice can be achieved simply by changing the economic, social, and legal structures of society. A "perfect society" of the future would supposedly be a society liberated from all kinds of exploitation and injustice by new structures (in other words, social engineering). In fact, it would "free" the members of society from the continual moral effort needed to achieve justice in society. Such a "liberation" would in effect amount to nothing less than the abdication of personal responsibility and personal freedom. It presupposes perfect tyranny. But "neither reason nor faith ever promises us that there will be a perfect world." To toy with the idea is to encourage a false "enthusiasm bent on anarchy." Today's pluralist democracy, for all its imperfections, allows a certain measure of justice to be achieved within clear limits, and some improvement is always possible. For democracy to continue to develop, it is urgently necessary to acquire again "the courage to accept imperfection"—and to learn to appreciate that human affairs are constantly endangered and so call for constant vigilance. Any moral appeal based on the promise of a perfect society in the future is in fact profoundly immoral—it encourages a *flight from morality*, from free, human, prudential decisions, toward some form of utopia.

The attempt to make morality with all its shortcomings superfluous by promoting the creation of a perfect society has another root. This is the one-sided concept of reason characteristic of modernity, what Vaclav Havel likewise calls impersonal reason. Anything that cannot be quantified, calculated, or verified by "scientific experimentation" is regarded as irrational, illogical. This amounts to the abolition of morality as such. Human decision-making is reduced to an attempt to balance the foreseen advantages or disadvantages of a proposed course of action. Morality becomes personal preference—and so "law has the ground cut from under its feet." If there is no such thing as objective morality, then the





law can no longer be conceived as giving legal protection to that which is intrinsically good and forbidding what is intrinsically wrong; it becomes a mere means for preventing opposing interests from clashing with one another. When moral reason is conceived as basically irrational—merely a matter of subjective preference—law can no longer be referred to as a fundamental image of justice but becomes the mirror of the predominant view of the experts or majority opinion. Since views and opinions in society are subject to constant change—and indeed can be profoundly unjust—it is obvious that justice cannot be achieved in this way. Society and the state can only survive if we succeed in re-establishing a fundamental moral consensus in society.

The third threat to modern democracy embraces and extends the previous two. If people are convinced that all there is to life is what we experience here and now, discontentment and boredom can only increase, with the result that more and more people will look for some kind of escape in a search for “real life” elsewhere. Escapism and various forms of “dropping out” become endemic. “The loss of transcendence evokes the flight to utopia,” Ratzinger states categorically. “I am convinced that the destruction of transcendence is the actual amputation of human beings from which all other sicknesses flow. Robbed of their real greatness they can only find escape in illusory hopes.” One such illusory hope is the construction of a perfect society in the future, which Marx claimed could only come about if people first abandoned God.

### Tendencies of Christianity

**T**HE MODERN STATE IS AN IMPERFECT society, not only in the sense that its structures will necessarily be as imperfect as its members, but also in the sense that it needs a source outside itself in order to be able to survive and thrive. The question is: what source? Before recommending Christianity, Ratzinger engages in a self-criticism of Christianity as a historical entity and a political force. As a human phenomenon, Christianity (Catholic, Orthodox, Protestant, Anglican) is also subject to the ambiguity of the human condition. In the course of its history, it too has given rise to movements and social tendencies that have unhealthy implications for political life and that cannot be ignored. Ratzinger considers three such tendencies.

The first is to misunderstand Christian hope in either purely otherworldly terms or as something to be looked forward to here on earth. The first error encourages Christians to neglect life in society for the sake of the world beyond. The second is the Gnostic temptation

to create the kingdom of God on earth. True Christian hope is the mean between these two extremes. It is the theological virtue that enables Christians to endure injustice patiently and to work unceasingly for justice in this world in anticipation of the Final Judgment beyond: “What you did to the least of these little ones,” the Eternal Judge will tell us at the end of time, “you did to me.”

The second unhappy Christian tendency is the rejection of justification based on human effort (“merit”), which means that human endeavor is considered to be of little consequence for salvation. The resulting notion of holiness based on grace alone, which is only granted to the “saved,” permits no accommodation with those who are not “justified” or “saved.” This in turn promotes a black-and-white picture of human society and rules out any compromise, with disastrous results. Since politics is the art of the possible, compromise is essential for political life.

The third tendency is really a danger inherent in the very nature of Christian monotheism, namely the Christian claim to truth, which has more than once led to political intolerance. There is but one God, who revealed himself in Christ. Consequently, Christianity could not fit into the Roman concept of tolerance based on polytheism. The Romans considered the various cults in the empire as religious clubs,

each free to organize its own private laws and follow its own gods. But Christianity could not accept such a place in society, because it would reduce Christ to one god among many. Christian belief implied a claim to public recognition comparable to the State’s. It also denied the State’s claim to absolute obedience. Christianity has from its origins been the adversary of all forms of State totalitarianism. But the claim to ultimate truth can result—and has in the past resulted—in political intolerance once the Church itself becomes a political force. Theocracy is an inherent danger, meaning not simply rule by priests (that has been extremely rare), but the attempt to rule society according to explicit religious beliefs, as today in the case of Islam. Theocracy is thus inimical to the basic understanding of political life found in the New Testament. But it is an ever-present temptation.

### The Central Question

**T**HE CENTRAL QUESTION, AS RATZINGER sees it, is: “How can Christianity become a positive force for the political world without [itself] being turned into a political instrument and without on the other hand grabbing the political world for itself?” His answer again is threefold.

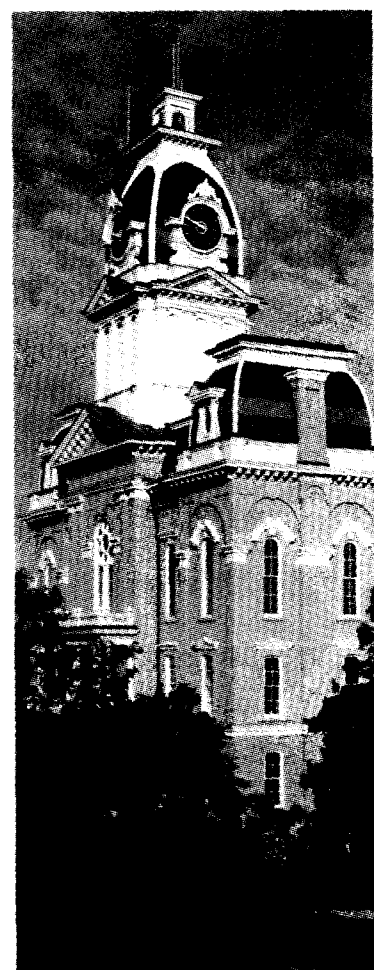
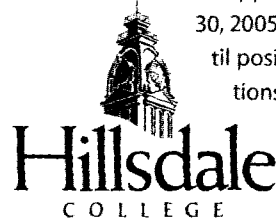
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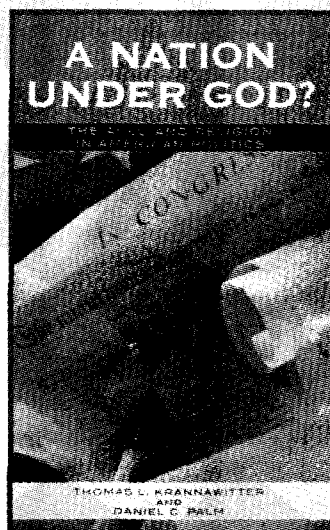
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**A NATION UNDER GOD?  
THE ACLU AND RELIGION IN  
AMERICAN POLITICS**

By Thomas L. Krannawitter  
and Daniel C. Palm

September 2005, 248 pages  
ISBN 0-7425-5088-5 \$24.95 paper  
ISBN 0-7425-5087-8 \$70.00 cloth



**A** *Nation Under God? The ACLU and Religion in American Politics* questions the claim of the ACLU that the First Amendment to the Constitution requires the complete cleansing of any religious expression in the American public square. That position, Krannawitter and Palm argue, is not consistent with the principles of the American founding, but derives from early 20th century progressivism and modern liberalism that requires ultimately a reconstituting of the American regime along completely secular lines. A re-examination of the American founding, its theoretical and constitutional principles, allows for limited religious expression without violating the constitutional principle of religious liberty.

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Published in cooperation with the Claremont Institute

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Christianity on the whole has refused to see itself as a political entity. One of the three temptations faced by Christ at the beginning of his public ministry was to transform the kingdom of God into a political program. "My kingdom is not of this world," Jesus affirmed. "Give to Caesar what is Caesar's and to God what is God's." Caesar represents the State, the realm of political life, which is the realm of practical reason and human responsibility. According to Ratzinger, the New Testament recognizes an *ethos* or sphere of political responsibility but rejects a *political theology*, i.e., a political program to change the world on the basis of revelation. Thus all attempts to establish a perfect society (the kingdom of God on earth) are rejected by the New Testament. The New Testament rejection of justification by one's own effort is likewise a rejection of political theology, which would claim that a perfect society based on justice could be established by human effort alone. Perfect justice is, rather, the work of God in the hearts of those who respond to his love (grace). Justice in society cannot be achieved simply by changing the structures of society. It is, instead, the temporary result of continued imperfect efforts on the part of society's members. To accept this is to acknowledge the imperfection that characterizes our human condition and to accept the need to persevere in one's own moral effort. Such endurance in trying to do what is right, to find the right solution to the practical difficulties that arise from daily life in common, is made possible by grace and the promise of everlasting life and ultimate victory in Christ. "The courage to be reasonable, which is the courage to be imperfect, needs the Christian promise [i.e., the theological virtue of hope] to hold its own ground, to persevere."

Second, Christian faith awakens conscience and thus provides a necessary foundation for the ethos of society. Faith gives practical content and direction to practical reason. It provides the necessary coordinates for practical decision-making. The core of the crisis of modern civilization is the implosion of the profound moral consensus that once marked all the great traditions of humanity, despite their superficial differences. If there is nothing intrinsically right or wrong, conscience can be relegated to the private sphere and law can no longer be regulated by morality. Accordingly, the most urgent task for modern society is to recover morality's meaning and its centrality for society, which is constantly in need of inner renewal. A State can only survive and flourish to the extent that the greater number of its citizens are themselves trying to do what is right and avoid what is wrong—insofar as they are truly trying to act in accordance with their conscience and striving to become virtuous. Thus genuine moral





formation, by which one learns how to exercise one's freedom, is essential for the possibility of establishing justice, peace, and order in society. Moreover, it is important to remember that the basic morals of modern Western society are the morals of Christianity, with its roots in Judaism and classical Greek thought. It is the residue of these that, filtered through the Enlightenment, gives modern democracy its internal ethical framework. When the Christian foundations are removed entirely, nothing holds together any more. Reason needs revelation, if it is to remain reasonable—if it is to recognize those limits which define us as human beings.

The final point touches on a most sensitive aspect of the interconnection between Christianity and modern pluralist democracy. Today few will deny Christianity the right to develop its values and way of life alongside other social groups. But this would confine Christianity to the private sphere, just one value system among other, equally valid ones. Not only does this contradict the Christian claim to

truth and universal validity, it robs Christianity of its real value to the State, which is that it represents the truth that transcends the State and for that very reason enables the State to function as a human society guided by the conscience of its members.

Thus we have the dilemma. If the Church gives up its claim to universal truth and transcendence, it is unable to give to the State what it needs: the strength of perseverance in the search for what is good and just—as well as the source of its ultimate values. On the other hand, if the State embraces the Christian claim to truth, it can no longer remain pluralist, with the danger that the State loses its own specific identity and autonomy. Achieving a balance between the two sides of this dilemma is the prerequisite for the freedom of the Church and the freedom of the State. Whenever the balance is upset and one side dominates the other, both Church and State suffer the consequences. Christianity is the soil from which the modern State cannot be uprooted without decompos-

ing. The State, Ratzinger insists, must accept that there is a stock of truth, which is not subject to a consensus but rather precedes every consensus and makes it possible for society to govern itself.

The State ought to show its indebtedness in various ways, including the recognition of the validity of the public symbols of Christianity—public feast days, church buildings and public processions, the Crucifix in schools, etc. Yet such public recognition can only be expected, adds Ratzinger, when Christians themselves are convinced of their faith's indispensability, because they are convinced of its ultimate truth.

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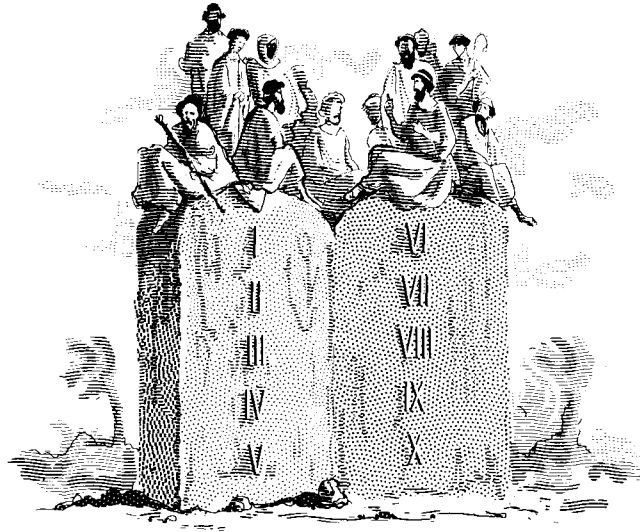
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## A BLESSING UNTO THE NATIONS

*Why the Jews Rejected Jesus: The Turning Point in Western History,*  
by David Klinghoffer. Doubleday, 256 pages, \$24.95



MANY CONSERVATIVES REMEMBER a 1993 *Washington Post* gaffe in its religion coverage that identified conservative Christians as “poor, uneducated, and easily led.” A more recent—and in its own way equally illuminating—error is not so well known. A *Post* article published after the election, examining evangelical support for President Bush, labeled the Jewish columnist and radio talk-show host Dennis Prager a “Christian commentator.”

It is easy to see how this error—which, in fairness, the *Post* corrected two days later—could have been made by a reporter (Dana Milbank) who presumably knows more about American politics than American religion. Prager’s political views certainly agree with those of, say, Gary Bauer, far more than they don’t. If Prager’s views are akin to a conservative Christian’s, why not assume that Prager is a conservative Christian? After all, “Dennis” isn’t exactly a Jewish name, and though “Prager” is, it is less obviously so than others like Goldberg (or Schwartz).

In any event, Milbank’s blooper confirms a point made by the sociologist James Davison Hunter. American religious tolerance is now so extensive that “the practical effects of the birth of Christianity...at least in the U.S. context, [have] become both politically and culturally defunct.” The differences between Jews and Christians simply don’t matter very much to Americans anymore.

Nevertheless, theologically, the differences between Judaism and Christianity continue to be immense. David Klinghoffer’s valuable book

is intended to emphasize this simple but all-important point: Jews denied and deny that Jesus was the messiah. *Why the Jews Rejected Jesus* explains that denial.

He begins with allusions to conversations with conservative Christians, who are puzzled that Klinghoffer—himself a political conservative (formerly a critic for the *Washington Times* and a senior editor at *National Review*, currently a columnist for the *Jewish Forward*)—fails to “see the need for Christ in [his] life.” In response to interlocutors like these, *Why the Jews Rejected Jesus* aims to tell, “for the first time from a Jewish perspective, the story of the two-thousand-year Jewish-Christian debate about Jesus.” He tells the story chronologically, working his way from the time of Jesus’s life, through late antiquity and the Middle Ages, into modern times.

As Klinghoffer makes clear, notwithstanding the controversy evoked by Mel Gibson’s *The Passion of the Christ*, the Jewish-Christian debate over Jesus does not, or at least should not, focus on the responsibility for Jesus’ death. It is not anti-Semitic to say that some of Jesus’s Jewish contemporaries were in part responsible for his death. He notes that canonical Jewish sources like the Talmud and Maimonides openly and unapologetically declare that Jewish leaders were complicit in Jesus’s death (echoed, as he does not note, by a more recent noncanonical source—the comedian Lenny Bruce). According to the Talmud, Jesus was thought to have “led astray [the people] Israel.”

The central question is not who killed Jesus, but whether Jesus was the messiah. Historically, the Jewish response has been that Jesus can-

not have been the messiah, since the messiah was supposed to regather Jewish exiles in Judea, overthrow the Roman oppressors, and establish a just kingdom on earth. Jesus did none of these things, so that in the estimation of a 12th-century Jewish sage, Jesus “accomplished nothing which can actually be seen.”

RELATED TO THE QUESTION OF WHETHER Jesus was the messiah (a claim that Jesus made ambiguously) is the question of how belief in Jesus should affect one’s attitude towards the commandments that Jews are obliged to fulfill. Here Klinghoffer’s focus shifts from Jesus to Paul—making it clear that his book’s title is actually misleading.

It is not so much the rejection of Jesus, writes Klinghoffer, as “the rejection of Paul, or rather of Paul’s conception of Jesus Christ, [that] was the very turning point of Western history.” Paul argued that non-Jews who accepted Jesus as their savior were freed from observing the burdensome commandments imposed on Jews, e.g., circumcision, not working on the Sabbath, dietary restrictions, and so on. In this way, belief in Jesus became incompatible with observing Jewish law, insofar as salvation now could not be obtained through keeping the commandments but only through faith in Jesus. As Paul stated in Galatians (2:21), “If righteousness could come through the law, Christ died in vain.” To accept Jesus was to concede that Jewish law was obsolete, that it had been countermanded by a new covenant with God. Believing Jews, who thought that theirs was an eternal law, were unwilling to do this.



It is precisely the abandonment of Jewish law, however, that made possible Christianity's amazing success in converting pagans. In the words of Edward Gibbon, "Christianity offered itself to the world, armed with the strength of the Mosaic law, and delivered from the weight of its fetters." Christianity (like Judaism) offered "an exclusive zeal for the truth of religion, and the unity of God," but unlike Judaism, Christianity did not demand that its adherents take upon themselves a "variety of trivial though burdensome observances" that were "so many objects of disgust and aversion for...other nations."

In this context Klinghoffer argues for the world-historical significance of the Jewish rejection of Jesus and Paul. For had the Jews accepted Jesus, the Jesus movement would have remained a small Jewish sect, because belief in Jesus would have been added onto continued observance of the Jewish law, instead of justifying the abrogation of that law.

Because the commandments can be conceived as burdens, Judaism was "never designed to be a mass religion." A "Jewish" Christianity, a Christianity mandating continued observance of the commandments, "would have stood as much chance of taking hold of huge numbers of people as a church nowadays that asks all members to earn a master's degree in theology."

**H**AD THE JEWS EMBRACED JESUS, Klinghoffer plausibly argues, pagans would not have done so. Thus the creation of a Christianized Europe paradoxically depended on the Jewish rejection of Jesus. Klinghoffer declares: "If you value the great achievements of Western civilization and of American society [an outgrowth of Christianized Europe], thank the Jews for their decision to cleave to their ancestral religion instead of embracing the rival teachings of Jesus and his followers." And, one might add, thank Jesus and Paul for promulgating a monotheistic religion that civilized the West. Klinghoffer evidently rejects the Jewish sage's view that Jesus "accomplished nothing which can actually be seen."

This conclusion reminds one of Hegel's discussion of the "cunning of reason," its ability to use unlikely means to achieve world-historical ends—and perhaps also of Groucho Marx's insistence that he would join no club that was willing to admit him as a member.

Because American Judaism and Christianity are now so extraordinarily tolerant of one another, Americans tend to think in terms of a Judeo-Christian tradition that has historically united these two great monotheistic religions.

But Klinghoffer's book reminds us that such a notion is radically ahistorical. For the most part, serious Jews have been dismissive of Christianity, and vice versa. Maimonides, for one, held that when the true messiah finally came, Christians would realize that their religion consisted of "naught but lies."

As the Jewish scholar Arthur Cohen noted, in the past "Jews [have] regarded Christians as at best second-best and at worst as execrable idolaters, and Christians [have] regarded Jews as at best worthy of conversion and at worst as deicides and antichrists." If, as in George Bernard Shaw's formulation, England and America are two countries divided by a common language, then Judaism and Christianity are two religions divided by a common God. Jews believe that they must keep the commandments so that the messiah will come; in contrast, Christians believe that the commandments should not be kept, because the messiah has come.

**T**HE JEWISH AND CHRISTIAN APPROACHES to messianism diverge in ways that transcend the historical disagreement over who and what Jesus was. Consider, for example, the "anthropologies" of the two faiths. In a fascinating recent essay, Meir Soloveichik, a young American Orthodox rabbi, points out that it is no accident that the Jewish conception of the messiah stresses his Davidic ancestry, which means that the messiah descends, like King David, from forebears who were incestuous idolaters. Nor is it an accident that the Christian conception of the messiah stresses that Jesus was born to a virgin mother, who was herself immaculately conceived, and an Almighty father.

Christians believe in a pure messiah who redeems an impure world that cannot redeem itself; Jews believe in a messiah who can overcome his own family's history of sinfulness, who can inspire men to earn their own redemption. For Jews, belief in the messiah asserts the human capacity to become worthy of Him by rising above sin; for Christians, belief in the messiah asserts the human incapacity to become worthy of Him, the human need for the messiah to take our sins upon himself. For Paul, salvation depends not on "human will or exertion, but on God who shows mercy" (Romans 9:16); for Paul's Jewish opponents, God shows his mercy by giving humans the will to exert and thereby save themselves.

Yet despite these differences, it remains the case that, at least in America, Judaism and Christianity are now on unprecedentedly amicable terms. To be sure, this is in part tac-

tical. The great Western monotheistic religions share common enemies: Communism in the past, and secularism and Islamism in the present. Christian horror at the Nazi murder of millions of Jews (to which the tradition of Christian anti-Semitism contributed, if only indirectly) has also spurred efforts to focus on the commonalities between the two religions.

But the Judeo-Christian rapprochement is, at bottom, theological. Whatever their disagreements, the two religions share their central belief: a single, omnipotent, and just God who created the universe and assigned moral duties to man.

From a Jewish perspective, Christianity (and Islam) can be said to serve God's purposes by making His name known throughout the world. (It is estimated that there are 2.1 billion Christians in the world, 1.3 billion Muslims—and 14 million Jews.) In the words of the prolific Jewish scholar Jacob Neusner, "Christianity really did bring the written Torah to the whole world. Christianity really did form the ideal of an entire civilization framed around the principles of the Torah, for instance, the Ten Commandments."

**K**LINGHOFFER'S BOOK DEMONSTRATES that this view is faithful to—not a departure from—at least some aspects of Jewish tradition. The great medieval philosopher and poet Judah Halevi compared Judaism to a "seed" that produced "the tree [Christianity and Islam] bearing fruit resembling that from which it had been produced." The 19th-century German Rabbi Samson Raphael Hirsch (the founder of modern Orthodox Judaism) spoke of Christianity as an offshoot of Judaism that "had to become estranged from it in great measure, in order to bring the world—sunk in idol worship, violence, immorality and the degradation of man—at least the tiding of the One Alone, of the brotherhood of all men and of man's superiority over the beast."

Judaism and Christianity will always disagree, but can nevertheless find considerable common ground. As Leo Strauss observed in 1963, "the Jew may recognize that the Christian error is a blessing, a divine blessing, and the Christian may recognize that the Jewish error is a blessing, a divine blessing. Beyond this they cannot go without ceasing to be Jew or Christian." These words of Strauss epitomize the message of David Klinghoffer's honest, courageous, and informative book.

*Joel Schwartz is an adjunct senior fellow at the Hudson Institute in Washington, D.C.*



Book Review by Ricardo J. Quinones

## A CLEAR HEAD

*Martin Luther*, by Martin Marty.  
Viking Penguin Lives, 240 pages, \$19.95

IN HIS AUDACIOUS COMPARISON BETWEEN Luther and Rousseau, Samuel Taylor Coleridge tried to account for the success of the 16th-century Reformer by noting that, "he did not write, he acted poems." While each had an "impetuous temperament, deep-working mind, busy and vivid imagination," their radicalism differed in that Luther "derived his standard from a common measure already received by the good and the wise"—the Bible. Coleridge explains, "To know that we are in sympathy with others, moderates our feelings as well as strengthens our convictions—and for the mind which opposes itself to the faith of the multitude, it is more especially desirable, that there should exist an object out of itself, on which it may fix its attention and balance its own energies."

The presence of such a right balance of energies will always amaze the student as he contemplates the ways Luther entered the high seas of religious dispute in a most disputatious age, and yet always seemed (with two glaring exceptions) to come to some well-grounded position of belief and program. For whatever reason—and Coleridge's speculations seem quite acceptable—Luther possessed what Ortega called a *cabeza clara*, a "clear head," the quality required by all great men who introduce momentous historical change.

All of these qualities and more are brought out in Martin Marty's *Martin Luther*, a recent addition to the series of Penguin Lives. The series possesses an easygoing mode of general description, and yet Professor Marty is able to do justice to the complex nature of Luther's religious genius. While necessarily brief, his accounting of Luther's life and works is fair-minded and reliable. His favorite analogy has Luther, like Jacob, wrestling with the angel of God, struggling between his angst and his need for deliverance, between his doubt and his need for certitude. While admiring, Marty can also be unsparing, particularly on Luther's violence against the Peasants' Revolt and his attitude toward the Jews. Here he rightly argues that Luther's antagonism was more religious than racial, more anti-Judaic than anti-Semitic, and he makes the well-placed comment that Luther argues that not "they" but "we" are responsible for the sacrifice of Christ. Nevertheless, Luther

did accept some of the more outrageous accusations against the Jews, much to their disappointment, expecting better from this defender of religious freedom. Perhaps Marty's best pages are his description of Luther's later disappointment that ordinary people could not live up to the strenuous demands required of the truly religious life—the hazards faced by the individual who places himself in the hands of the living God.

Throughout his life Luther's "impetuous" temperament was driven by a need for justification. Consequently he underwent not one, but two, enormous conversions. The first was the well-known sudden decision to enter the monastery of the Augustinian Hermits in 1505.

Returning from a visit to his parents' home in the university town of Erfurt, where he was a student of law, he was caught in a terrifying thunderstorm, and made the famous vow to St. Anne that if he were saved he would become a monk. Like all such accounts that have the makings of legend, this one is revelatory of character. Luther constantly likened himself to Saul on the road to Damascus. But we know that the conversion experience is not a bolt out of the blue—there is some preparation, some readiness already present in the character. And evidently, as Martin Brecht establishes in his indispensable three-volume life of Luther, the young and deadly-serious law student had been undergoing an "inner crisis," possibly attributable to a lack of fulfillment as a student of law (he wouldn't be the first), or a larger dissatisfaction that he was not living his life with the totality of commitment he required.

This first conversion, prompting him to enter the monastery at Erfurt, was a necessary one for Luther and highly revealing of his personality, but it was still a misstep. It was right that he follow it, but it was not right for him. Thus his capacity for wholehearted change could not end there, nor his need to lead his life aright. He took to monkhood like a fish to water, surpassing its restrictions with ones added himself, in an effort to earn salvation. His soul-searching confessions lasted for hours, exasperating his confessor, who told him to come back when he had committed a real sin. His mentor, Staupitz, recognized in this hyper-scrupulosity a kind of subversiveness, and tellingly ad-

monished Luther that God was not angry with him but that he, Luther, was angry with God, frustrated by his own incapacity to feel that he could meet all the demands that bring salvation. Luther always felt that his most devoted deeds, especially his devoted deeds, were not sufficient. How could they possibly appease an all-judging God?

THE SECOND CONVERSION PLUNGED Luther into history and made him a world figure. It did not occur suddenly, but it too was dominated by inadvertency, by Luther's need to be carried along, to act not by his conscious volition but in accordance with some inscrutable divine will. As was his wont, he was surprised at the widespread passions aroused by his 95 theses. He had proposed them as matters for learned academic dispute; the theses about indulgences, masses for the dead, and purgatory were not unknown and had already been the subject of debate; and he carefully strove to disengage the pope from his emissaries' exaggerated claims. But what surprises is Luther's surprise, his refusal to acknowledge that what he had written was explosive. The force of Luther's personality, the dominating tone of his style, could not help breaking through academic protocol. This was not a spark setting off a wildfire, but dynamite thrown into an arms depot.

The 95 theses performed all the functions of a breakthrough work: it brought to its maker a sudden acclaim and recognition, and opened the way for fuller expansion of his thought and for his role as a spiritual leader. Luther moved from reformer to revolutionary when he realized that the problem was not the pope or his character, but the institution of the papacy itself. This change in his thought he also attributes to inadvertency, to his lack of conscious intent. In a series of unhappy debates following the 95 theses, the papal representatives argued that to attack the efficacy of indulgences and other such measures was to attack the mediating nature of the Church itself. Luther was driven to acknowledge the rightness of these claims, but with the opposite effect: too bad, then, for the papacy. In the meantime, in these crucial years of 1517-18, he also underwent his famous reformational experience, attaining his



finally satisfying understanding of the Pauline prescription that the righteous shall live by faith and, Luther came to add, by faith *alone*.

**T**HESE TWO MOMENTOUS DISCOVERIES made possible that *annus mirabilis* of 1520 when he composed three remarkable works, the *Address to the Christian Nobility of the German Nation*, *The Babylonian Captivity of the Church*, and *The Freedom of the Christian*. The three works are of a piece, likened by Luther himself to a suite of music, their interconnected parts building upon each other. Although Marty argues that Luther did not urge the papacy's abolition, these works went a long way toward undermining its primacy. In fact, with the publication of the second work, and its reduction of the sacraments from seven to two, Erasmus called the breach, which he had long sought to avoid, "irreparable."

In the first work, Luther attacked the three walls that guard the Church's supremacy: the qualitative difference between the clerisy and the laity; the Church's unique authority to interpret the Scripture; and the pope's singular power to convoke a council. The first two assaults are crucial because they initiated two of the larger historical repercussions of the Protestant Reformation: the desacralization of the Church and the priesthood, and the resacralization of the people in their everyday lives. Unhesitatingly, Luther deployed Biblical citation and reason (his constant tools of analysis) to attack the sacerdotal hierarchy, concluding, "There is at bottom really no other difference between laymen, priests, princes and bishops, or in Romanist terminology between the religious and the secular than that of office and occupation and not that of Christian status." Marty cautions that though this idea meant the priesthood of every believer, it did not mean everyone was qualified to be a pastor. The pastor is a person with a special aptitude for learning and preach-

ing, selected by the community to attend to their spiritual and administrative needs. Hence the priest becomes a minister.

Luther's greatest revolution may have involved the lives of the saints. In effect, he denied that fabulous, superhuman exertions of asceticism should be considered exemplary.



This image, a woodcut, is a contemporary portrait of Luther by Lucas Cranach.

The struggles of conscience and the demands of the religious life take place daily, after all. Stay home, take care of business. Such acceptance and appreciation of one's mortal station is one of the great, undervalued innovations of Luther's reformation, making him suspicious of glib spiritualists. One lives as one ought in the normal conditions of being; the struggle for salvation can occur even in a three-piece suit.

We all march in darkness. "The true church is hidden, the number of saints unknown." For Luther the existential struggle means that one must not only believe in Christ, one must *be* Christ, without knowing it, and only then, after the fact, after Gethsemane, realize that one has undergone his own agony. It is from such experience that one acquires understanding and faith.

**L**UTHER WAS TEMPERAMENTALLY at odds with his erstwhile ally and comrade-in-arms, Erasmus. One of history's enigmas is what finally prompted Erasmus to come out against Luther, as he did in his famous diatribe, *De Libero Arbitrio* (*On the Freedom of the Will*). This initiated the most important debate of the century. When he received Erasmus's essay, Luther thanked him for not bothering with matters of indulgences, purgatory, and the like (an indication of the growth of Luther's own speculative awareness); instead, he thanked Erasmus for grabbing him by the jugular. Luther responded with his greatest work, *De Servo Arbitrio* (*On the Enslaved Will*). Marty, while praising it, detects "creative bluster" in Luther's style. Intemperate and inflamed though it was, the essay was also to the point. The notoriously thin-skinned Erasmus responded with two even lengthier defenses, while Luther declined to add to what had been said, confident that Erasmus had been demolished.

And so it appeared. But history has its avenues of return, and in the late 17th and 18th centuries it was Erasmus who helped to inspire the Enlightenment. It was precisely his kind of skeptical humanism that Luther had always suspected and rejected. Luther, of course, has had his own recoveries. When, for example, Carlos Fuentes came to describe the difference between Mexican and American culture, he did so with one name: Martin Luther.

Ricardo J. Quinones is emeritus professor of literature at Claremont McKenna College.

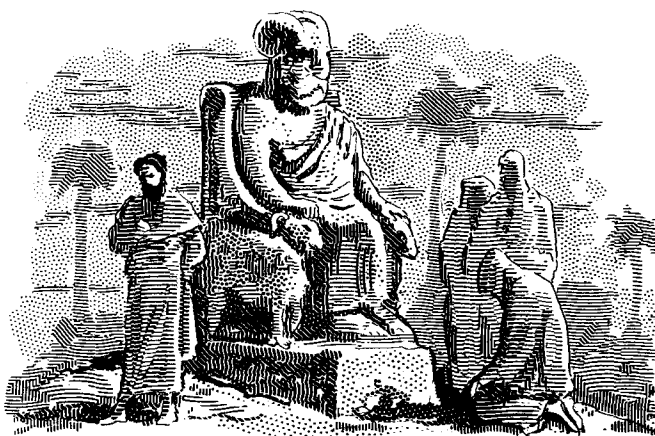


Book Review by Andrew Klavan

## IMAGINE THERE'S NO HEAVEN

*The Twilight of Atheism: The Rise and Fall of Disbelief in the Modern World,*  
by Alister McGrath. Doubleday, 320 pages, \$23.95

*The End of Faith: Religion, Terror, and the Future of Reason,* by Sam Harris.  
W.W. Norton & Co., 256 pages, \$24.95 (cloth), \$13.95 (paper)



OF ALL THE SILLY POP SONGS EVER written, perhaps the silliest is John Lennon's "Imagine." "A wop bop a loo ram a lop bam boom" has more philosophical depth as a lyric—and indeed contributes more to the happiness of human society—than Lennon's thudding inanities, which are rendered truly inspiring only by being reduced to a one-word poster on a teenager's wall. Lennon, you'll no doubt remember, asks us to imagine humanity without faith, countries, or possessions. With nothing to kill or die for, he promises, "the world will live as one."

Now you may call me a dreamer, but it seems to me just such a world was imagined long before, in the 1956 film *Invasion of the Body Snatchers*. There, aliens begin to transform the human race into Lennon's world: a soulless army of automatons living as one without any of those bothersome passions that give rise to religions, nations, or private property. "Love, desire, ambition, faith," one of the aliens intones, perfectly prefiguring Lennon, "without them, life is so simple."

Of course, what the horror film considers, which the utopian song ignores, is the nature of the human beast. The dark side of our humanity—the killing, the greed, the injustice—is exactly that: the dark side of our *humanity*—our love, our yearning, our loyalty—everything that makes us what we are. You can have a perfect world, or you can have people to live in it—you can't have both.

Still, in any time of war or fear or trouble—that is to say, in every time—it's natural to wish we could somehow be human without

being all too human. And in a time of war and fear and trouble brought on by a maniac faith that seeks to use the weapons of modernity against modernity itself, it may be likewise natural to ask whether we can continue to survive without eradicating, if no other passion, at least this persistent desire we seem to have to believe in God.

As a single year of this war has produced both a book called *The Twilight of Atheism* and another called *The End of Faith*, the answer may seem uncertain. But really, I think, these works are two parts of a single piece. *The Twilight of Atheism: The Rise and Fall of Disbelief in the Modern World*, by prolific Oxford theologian Alister McGrath, is simply an extended observation of a historical phenomenon. *The End of Faith: Religion, Terror and the Future of Reason*, by Sam Harris, currently working on his doctorate in neuroscience, is a high, wild, and somewhat babbling cry from a man caught on the losing side of that phenomenon. A screed against tolerance in matters of religion, *The End of Faith* is, in some ways, "Imagine" militant, "Imagine" writ large, with the consequent advantage that the true results of such imaginings are made painfully clear. As an argument, it's a clay pigeon, easily shot down as it travels through its predictable arc. As an artifact of a worldview currently in retreat, however, it has a certain fascination.

It's no accident that McGrath's work seems to set the stage for Harris's. *Twilight of Atheism* grew out of an Oxford debate on whether it's possible to "rid the mind of God" and studies the attempt to do just that in the West. The

narrative traces Western atheism's star from its rise with the storming of the Bastille in 1789, to its zenith in the 1960s with Marxism on the march, to its decline with the fall of the Berlin Wall in 1989 and Christianity's resurgence in Eastern Europe, the U.S., and elsewhere. Like much of what McGrath does, it's a solid survey, both readable and scholarly.

Once an atheist himself, McGrath retains an appreciation for the attractions of non-belief: "a passion for liberation, a principled demand for an end to oppression, for intellectual rigor in our thinking, and for courage in the face of the world's evils and ambiguities." What's more, he has a keen, cold eye for the imaginative failures of Christianity in fending off the assaults of first Jacobinism, then Marxism and Freudianism, and finally the assumption—wholly unsupported as he shows—that science and faith are somehow intractably at odds. Because of these insights, he seems a bit surprised himself by the "remarkable" decline of atheism's "empire of the mind." "Like a tidal wave crashing against the shoreline," writes McGrath, "atheism surged over the West, sweeping away its rivals, before itself gradually receding." This may be overstated, but demographics lend it credence enough, and the description is gratifyingly resonant with the "melancholy, long, withdrawing roar," of the Sea of Faith from Arnold's "Dover Beach."

So what transformed the wave of the future into the outgoing tide? McGrath cites Christianity's ability to reinvent and repersonalize itself. Fresh emphasis on the near presence of God in established churches, and new evangelical and Pentecostal movements that circum-



vent old hierarchies and reverse the Protestant trend toward over-intellectualization, put atheism on the defensive. With characteristic irony, postmodernism also served the religious cause by attempting to "de-center" philosophical inquiry, thus making it impossible for atheism, or anything else, to stake out the privileged territory of truth.

But perhaps the most important flaw in the atheistic structure was what McGrath terms its "embarrassing intolerance." "Imagine," which he identifies as a product of atheism's high-water mark, depicts faith more or less melting peacefully away into "a brotherhood of man." "But what happens," McGrath wonders, "if people rather like religion, and refuse to abandon it?" The answer came loudest and clearest from the Soviet Union, the 20th century's dominant atheist state. Convinced by Marxist theory that religion would fade as revolution replaced injustice, Lenin—the other Lenin—came to believe that only brutality would make it so. The Soviet Union murdered tens of millions in attempting to set its idol on the altar of more ancient traditions. "A demand to eliminate deficient beliefs leads to an obsession with power as the means by which that elimination can proceed," writes McGrath.

WHICH BRINGS US TO SAM HARRIS and *The End of Faith*. The book should be called *The End of Tolerance*, because that's what Harris proposes. Claiming that religious violence is leading us to apocalypse, Harris says that "Words like 'God' and 'Allah' must go the way of 'Apollo' and 'Baal,' or they will unmake our world." Religious extremists are bad in this regard, he says, but moderates are perhaps even worse as they teach us to "respect the unjustified beliefs of others." "I hope to show," writes Harris, "that the very ideal of religious tolerance...is one of the principal forces driving us toward the abyss."

To declare my interest, I am a believer, a Christian after long thought, but I've read and continue to read many anti-religious arguments that challenge and inspire. Steven Pinker's *The Blank Slate* (2002) and Carl Sagan's *The Demon-Haunted World* (1996) come immediately to mind. Harris doesn't make this grade. He's a smart man and writes well enough to cover a multitude of logical sins, but he's so steeped in fashionable intellectual assumptions that he just about sinks under them.

First, he sets a straw man in Heaven by restricting his definition of faith to only the most literal and primitive of beliefs. Although he says this literalism is the creed "of the majority of the faithful in every religious tradition," he fails to acknowledge, as C.S. Lewis observed, that all metaphysical description involves ab-

surd imagery and "the absurdity of the images does not imply absurdity of the doctrines." But having limited religion to the letter which killeth, Harris next leaps to the belief that, without religion, the killing would cease. To make this case, he supplies us with a sort of "greatest hits" list of the atrocities committed in the name of faith—the Inquisition, the Witch Trials, and so on. When, as with the Soviet Union and Red China, atrocities are committed in the name of atheism, he simply declares that "communism was little more than a political religion." Were the Nazis anti-clerical? Yes, but Christian anti-Semitism paved the way for them. Were there anti-Semites before Christ? Yes, but that was the fault of—wait for it—the Jews themselves, who "became the objects of suspicion...for their refusal to assimilate, for the insularity and professed superiority of their religious culture—that is, for the content of their own unreasonable sectarian belief." (It seems relevant to point out here that the Jews were never under any moral obligation to assimilate simply to make Harris feel safer in his bed at night, and if they took their uniqueness at first as an article of faith, they can damn well prove it from history now.)

Harris admits that "people are sometimes inspired to heroic acts of kindness by the teaching of Christ," but goes on to claim that this "says nothing about the wisdom or necessity of believing that he, exclusively, was the son of God." Fair enough, but that's precisely the problem with his argument. If the acts of love Christ inspires are no proof of his godhead, then the acts of hatred committed in his name are no disproof of it, either.

Because the fact is: people kill each other. For love, for money, for honor, for the pure pleasure of watching each other die, in the name of God, and yes, in the name of reason, too. And if this unpleasant habit has become apocalyptic in our nuclear age, we could just as well blame not faith but science for putting greater and more powerful weapons in the mad animal's hands. Any philosophy or endeavor forced to prove itself by the good behavior of its adherents would crumble to dust. People kill each other. That's one of the things they do.

To be fair, there are popular intellectual mistakes Harris doesn't make. He rejects materialism. He eschews moral relativism. He doesn't gloss over the fact that radical Islam is the great danger of the day. His embrace of mystic selflessness, and his understanding that love and virtue are essential to human happiness, give one hope that even scientific rationalists may one day stumble nigh to the wisdom of Jesus.

But under the illusion that truth is where he stands, Harris wants to burn the bridge that brought him there. He claims that science and

modernity freed Judeo-Christian society from the primitivism that besets Islam, that "the doors leading out of scriptural literalism do not open from the inside." This would be mighty hard to prove historically—and even if it were so, you would have to explain why science and modernity came to Christendom first. And what of countries once steeped in the Buddhism Harris so admires? Why are they still unfree, still so prone to atrocity? The measure of a creed, after all, is not the sins of its believers but the life to which its logic leads. Doesn't it seem more likely that the West's freedom and modernity are at least in part the products of its founding faiths?

FINALLY, LIKE ALL MEN SWEEPED UP IN THE passion of reform, Harris holds to the belief—surely as irrational as any there ever was—that some fine system will one day rescue us from the need for individual virtue, from that unreliable movement of the single will toward good rather than evil. He spins familiar but nonetheless disturbing fantasies of the future: a science of ethics, a "rational" mysticism replacing dogmatic faith, a world government with civilized societies imposing liberalizing tyrannies on "malign dictatorships." He complains that a "primary obstacle" to this "economic, cultural and moral integration" is "the diversity of our religious beliefs." But he never answers McGrath's question: "What happens if people rather like religion, and refuse to abandon it?" He doesn't have to. We already know where intolerance of religion leads. "Some propositions are so dangerous that it may even be ethical to kill people for believing them," he writes, appallingly. Only when all the world is Harris will Harris sleep in peace.

McGrath ends *The Twilight of Atheism* with the mild observation that twilight comes at both the rising and the setting of the sun, and "we shall have to wait and see" whether atheism will have "a new day of new hope." Yet his book was attacked as "religious triumphalism" by the *New York Times Book Review*, whereas the same journal hailed *The End of Faith* as an "important book." Harris's book seems to be selling better than McGrath's too. This speaks so very ill of our intellectual classes. The things they love best—their freedom, science, individuality and, yes, the tolerance by which their minority survives—are, in fact, the gifts of those religious vessels which carry the immemorial wisdom of our race. Will they ever allow a touch of Christian humility to curtail their grandiose programs for our betterment? One can only have faith, and imagine.

Andrew Klavan is the author of *True Crime* (Random House) and *Don't Say A Word* (Pocket Books), which both inspired major motion pictures. His latest novel is *Shotgun Alley* (Forge Books).



PARTHIAN SHOT

## HERD ANIMALS

by Mark Helprin

WHY DOES THE LEFT SO OFTEN ABSTAIN FROM DEFENDING not only American interests but, after September 11th, the United States itself? During the Cold War, one could always suspect that democratic socialists lusted in their hearts for Leninism, and might have given themselves over had the balance of power shifted eastward. This was at least a plausible explanation for their opposition to virtually any measure of Western defense, and their perpetual horror of anti-Communism. But no force, it would seem, should be capable of transforming even a lifetime of socialist ardor into sympathy for absolutist mullahs, 10th-century tribal warriors, decapitators, and circumcisors of women.

It would make no sense. And yet as the immense plumes of smoke and dust still were rising in strength from the ruins of the World Trade Center, and not a single shot had been fired or a single soldier sacrificed in what was to become the War on Terrorism, the worldwide Left mobilized instantaneously to assert that such a war—the particulars and extent of which it could not know—would be unjust.

It is true that since then many opponents and proponents of the war, despite being not even decimally aware of pertinent facts or relations, have managed to enlarge their unexamined notions into either complex and disconnected conspiracy theories involving oil, or manic crusader-atavistic visions of remaking the Arab and Muslim worlds, and that the dust from these ignorant armies as they debate with the finesse of English football hooligans rises into a plume of its own. But, like a mammoth perfectly preserved in ice and uncomplicated by subsequent infections, the Left's purely reflexive impulses immediately following September 11 are worthy of attention.

Most remarkable is the initial and continuing indifference both to those who perished and to the country itself as it came under attack. On a political level, the Left could summon no indignation after assaults upon America's capital, defense headquarters, civil aviation, embassies, warships, and chief city, any one of which would be a classic and unambiguous *casus belli*, while in strange contrast it seemed to regard the mere presence of Americans in Saudi Arabia, the trade in oil, and the Arab world's exposure to American popular culture as unpardonable aggressions.

Irrationality on a political level from these quarters has never been a shock. On a personal level, however, the predominant response of the intellectual Left was a mystery. It was as if the thousands of crushed and incinerated men, women, and children—those who threw themselves into a quarter-mile abyss rather than have the flesh seared off their bones as they stood in the wind at glassless walls, the small children who died in terror after watching hysterical fanatics slit the throats of screaming stewardesses, and so on, for there are almost three thousand stories—simply did not exist. How does one explain such an egregious absence of sympathy (much less assertions that "they" deserved it, or that it was a work of art) among endlessly self-proclaiming empathetics whose stock in trade is to milk compassion even from the Rock of Gibraltar? This is a real rather than a rhetorical question, because it is

significant of a great division.

The nature of one's reaction to aggression against one's country will often be determined by whether one sees the polity primarily as individuals who must struggle with the imperfection of being bound into a collective, or as a collective that must overcome the circumstantial imperfection that it comprises individuals. For wildebeest thundering across a plain in Africa, it takes a village. The herd defends itself by sacrificing a minuscule proportion of its number and moving on. If the herd were to turn upon the jackals preying upon it, the jackals would be pulverized almost instantly. Nonetheless, if the price for the escape of ten thousand is the sacrifice of only a few, that is how it is done when the collective is paramount.

But animals like bears, tigers, and lions, that wander individually or in small groups, know that their survival depends upon how they fight, and their willingness to fight is so well understood that they are seldom attacked, whereas to a predator a herd in flight is a living contradiction of the maxim that there is no such thing as a free lunch.



MANKIND IS NOT A GENETIC SET PIECE, DIVIDED into lone wolves and lemmings, but rather the division is a reflection of habituation to the collective—indeed, worship of it—as opposed to a habitual resistance to it. Capitulation and appeasement may sometimes be merely subcategories of a controlling impulse that produces both. When the Left bends to America's enemies it may not be a result of cowardice or betrayal, but of loyalty to the omelette so single-minded that it precludes consideration of the eggs.

At times, of course, the collective should take precedence. It is a matter of finding the appropriate balance for impulses that contend eternally because man was created as an individual and yet there is more than one of him. And, depending upon the wind, one must occasionally tack to port even if one's preference is to tack to starboard. But by its hostility to virtually every part of the War on Terrorism, and its continuing assertion that in this war almost every step America has taken is an unnecessary and wasteful overreaction, the Left implicitly makes the argument that the dead of September 11 represent only one one-hundred-thousandth of the American population, and that although intelligent people understand the implications of this, the impatient jingoes who "control" the country do not.

After all, a herd of 100,000 wildebeest would neither miss just one of its number, nor even pause to reflect. But where the Left in all its wisdom gravely miscalculates is that the dead of September 11th were not wildebeest, and neither are we. That is why America, for all its failings and sins, has not gone down, and will not go down, on bended knee.

Mark Helprin, senior fellow of the Claremont Institute and DeRoy Distinguished Visiting Fellow of Hillsdale College, is the author of, among other books, *A Soldier of the Great War* (Harcourt) and *Winter's Tale* (Harcourt). His latest book is *Freddy and Fredericka* (The Penguin Press).



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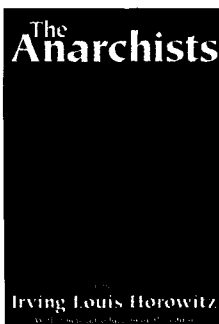
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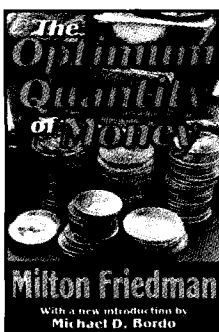
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